

THE FIRST REPUBLIC

IN

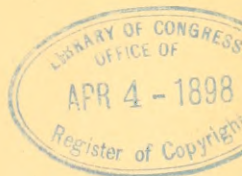
AMERICA

AN ACCOUNT OF THE ORIGIN OF THIS NATION, WRITTEN
FROM THE RECORDS THEN (1624) CONCEALED BY
THE COUNCIL, RATHER THAN FROM THE
HISTORIES THEN LICENSED
BY THE CROWN

BY

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PREFACE

THE scene of the happy republic which Sir Thomas More describes in his "Utopia" is laid in an island said to have been recently discovered in America. The learned Budæus and others accepted More's description as a genuine history, but it was only a dream. The Utopia which Sir Edwin Sandys and other advanced statesmen designed was a reality, but it has had no genuine history.

It has been said that "the history of every nation begins with myth. . . . When the age of reflection arrives and the nation begins to speculate on its origin, it has no more recollection of what happened in its infancy than a man has of what happened to him in his cradle, and in the absence of records has been disposed to accept for itself a mythical foundation and founder." When our age of reflection arrived "Smith's history was almost the only source from which we derived any knowledge of the infancy of our State;" and it came to be regarded as the standard authority on our foundation and its author as our founder.

It was my original intention to consider fully in the text of this work each one of the numerous questions involved in "the John Smith controversy," but so much depends upon the point from which we look that I became convinced that so long as any one looked from the John Smith standpoint he would retain the John Smith views regardless of other evidences, and that if he should conclude to take the right view he would then see correctly without any aid from others. Therefore I decided to avoid the needless controversies in the text and to devote it especially to an account of the origin of this nation from the point of

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(the authentic records, etc.) of those on whom the surprise was dependent, which I believe to be the right view for the historian to take ; because it is the point from which the history of their enterprise can be clearly seen, fully appreciated, and fairly presented. Their acts and the motives which inspired them cannot really be seen at all through the thick veil thrown over them by their opponents for the special purpose of obscuring them. But my reasons for opposing the John Smith views have been so frequently misunderstood as to make some personal explanation on my part necessary, and therefore I shall give them here, in the preface, so fully that no one need misunderstand my motive in this matter hereafter.

Although my tasks in life have not always been along literary lines, I have been a student of history ever since I was a child, and Captain John Smith was the hero of my childhood ; but after reaching manhood, as I continued my studies, I was obliged to abandon one idea after another which I had derived from Smith's history, until I was finally obliged to relinquish my faith in him, and I then became convinced that there was certainly something wrong with our earliest history.

The hearing of my right ear having been destroyed by the concussion from the explosion of General B. F. Butler's powder-boat in December, 1864, near Fort Fisher, N. C., where I was a soldier in the Confederate service, and my left ear having been injured by the same shock, I finally became so deaf as to be cut off from my former business pursuits, and I then determined to try to locate this historic wrong, and to right it if I could. With this object I searched for evidence wheresoever there seemed a prospect of finding any. I have collected a great deal, and it is really not me but this evidence which is opposing the Smith views.

I believe that the maxim, "under no circumstances are we justified in defending an injurious story which we do

not know to be true" is an especially good maxim in matters of history, where truth and justice are necessary for historic uses. Smith's story is beneficial to himself, but it is injurious to others; and, however true parts of it may be, it conveys an untrue and trivial idea of the great movement of which it pretends to be a history. As I am a Virginian, I am naturally anxious to take our earliest history out of the narrow, inaccurate ruts into which it was put by the "historian," and to place it on the broad foundation where it rightly belongs. As I am a citizen of this republic, I wish to show the fallacy of the claims and pretensions of Captain John Smith, because they are incorrect, unjust, and ungenerous; and to give the correct view of our foundation, because it is honorable to our founders and to us. But in this matter I am not "moved by personal animosity towards Smith," and I am not "working under influences which are unfriendly to Virginia." I bear Captain Smith no malice. I regret exceedingly that any one who had been an official in Virginia should afterwards have been guilty of imposing a story as "history" which has made it necessary to expose the false ideas conveyed thereby. That this necessity exists, and that the issues involve the true basis of our foundation, is certain.

I. *The historic issue* is between John Smith, *the author*, in England, and the managers of the movement on whom the enterprise was dependent in England and in Virginia.

II. *The personal issue* is between John Smith, *the actor*, in Virginia, and the other councilors during his time here and the committees of the company in England for the rewarding of men on their merits, whose business it was to decide such matters at that time.

III. The question is, *Does Captain John Smith's history convey a correct idea of this movement?* That is to say, Was the colony founded by Smith under the form of government designed by King James I., and did everything go to ruin "after the alteration," under the popular char-

ters, as stated in Smith's history? Or was Smith a vain adventurer, and the king's form of government an incentive to faction, and was the colony founded by the managers under the popular charters, and established on the broad principles designed by Sir Edwin Sandys (whom James I. regarded as his greatest enemy), as appears from the authentic records?

We are a great nation. We ought to have a fair idea of our first foundation, and the whole fabric of our earliest history is involved in these questions between those who wrote, or licensed, the history as then published, and those who really made the history as then performed. These important historic questions can only be properly considered on their own merits in the view of the influences then obtaining, unobscured by resorting to special, personal, or sectional appeals to present influences; for the case is not a matter for present political or religious sway; it is beyond the authority of any one now living North or South. The issue is between the records of the Virginia Company, then concealed by the Privy Council, and the history of John Smith, then licensed by the crown. It must be tested by the results which have followed the acceptance of the contemporary history, and decided (as all historic questions must be), after a full and fair consideration of the evidences for both sides, by the impartial judge on the bench, not by the advocate pleading for the prisoner at the bar.

I. In considering *the historic issue*, we must note, in the first place, the fact that, whatever "the defeilements" of the managers were, they finally succeeded, and no one can know what would have been the result if the enterprise had really depended on Smith (or other critics), and if it had been carried on under their views and management. Therefore this issue is virtually a matter of Opinion *vs.* Fact, and history has to deal with the actual facts and not with opinions, whether reasonable or unreasonable. In the next place, as the prime object of history is to state facts, to be impartial, the prime necessity for an historian

to be personally disinterested in his story does not admit of any doubt. The acceptance of Smith's history, as a standard historical authority, would not only be a reflection on our national foundation, but also on the prime foundation of history itself. If such works should be so accepted, history would not only be worthless as an authority but it would be positively harmful, for unworthy men would be apt to occupy the places of honor belonging to the deserving. Such works have been so often accepted as to cause many to regard all history as a lie. Hence we should not be justified in thus accepting this story, even if there were no counter-evidences at all; but there are counter-evidences which prove not only that it is partisan, but that the supports or propositions on which Smith rests his claims and criticisms are erroneous or misleading. The climate was not healthy; the Indians were not tractable; the commodities found during 1607-1609 were not satisfactory; tobacco was not the bane, but really the preserver and support of the colony; and the charters were not changed to the detriment, but for the betterment of the colony. In brief, the real cause of "the defeilements" was not in the managing of the business as stated by Smith, and the colony was not brought to a good state of forwardness under the king's form of government by Smith. It is true that he did not ask for the alteration of the charter; that the new charter of 1609 was granted without his consent, and that he afterwards used these facts to serve him a good turn in England; but all things did not go to ruin owing to the changes in the charters, form of government, etc., and so continue until the enterprise was resumed by the crown, as asserted in Smith's publications. It is not only that the account is partisan and the supports defective, but the story itself, taken as a whole, is erroneous or misleading. His account of the state to which the colony had attained under the crown (1607-1609) is exaggerated and inaccurate, the errors being chiefly of commission; and he conveys a meagre, incorrect, unjust, and ungener-

ous idea of the enterprise under the company (1609-1624), omitting, traducing, or obscuring, insomuch that he conceals the facts, and really conveys no idea of the most worthy acts and the very broadminded motives which inspired the managers in England and in Virginia under the popular charters. Finally, if he had been qualified to write and had really written an accurate account — such a history as we now need to have — of this popular movement he would not have been permitted to publish it at that time. The fact that he “linked his name romantically with that of a woman” has fascinated many; but what gave his story its greatest strength was the fact that *he linked his fame historically with that of the “Kings royall Maiestie.”* The royal question became, during 1622-1624, the controlling issue to which other questions were subordinate and subservient. It furnished the real support on which Captain Smith’s claims rested, and I believe it to be of greater historic importance than any other issue involved in “the John Smith controversy.”

During the contention between the crown and the Commons, King James I., under the guidance of his Privy Council and the royal party, and, it was said, under the influence of Gondomar, the Spanish minister, became convinced that the Virginia courts were “a seminary of sedition,” and determined to annul the popular rights of the Virginia Company and to resume the government of the colony himself. In the spring of 1623 he appointed a royal commission to look into the affairs of this company and colony, and agreeably to the king’s wishes they made a report (to justify him in doing what he had made up his mind to do) to the purport that “much better effect had been produced under the King’s charter and Instructions of 1606, than had been by the alteration thereof in 1609, into so popular a course,” etc. Virginia was the first of the free colonies of England; but it was founded in the days when many believed in the divine right of kings, and when “no English histories” were to be printed without

the sanction of the Privy Council; and the accounts published under the royal license (in conformity with the royal wish) represent that the colony had been brought to a good state of forwardness under the royal charter and the king's form of government ("without one ray of popular rights"), and that all went to wrack after the alteration in the government, etc. On the other side, the authentic manuscript records, as well as the evidence (still preserved) which was submitted to the royal commissioners, really prove that the colony did not prosper under the crown; but that it was finally established *under the popular charters, which kindled the rays of popular rights that are now shining for us.*

II. My reasons for giving due consideration to the view of the other councilors in Virginia and of the committees in England, in *the personal issue*, are as follows: In the first place, I believe that they were as capable of judging Smith as he was of judging them. Then as his view in this issue is really dependent on his history, it has no more virtue than his view in *the historic issue*; therefore I oppose it for the same, as well as for other reasons, namely: The historian has virtually absorbed his history, devoting it to his own acts and opinions; and to the exclusion of the acts of others, he is really "the only man" in his story. Consequently those who take his view, seeing only one man, must lose sight of, and fail to have due consideration for, the rest; and as a result of the acceptance of his views we have been taught to believe not only that "the Colony of Virginia was founded by Captain John Smith," but also that he was "the father of New England," and "the prime actor in settling the first English colonies in America;" that "what Sir Francis Drake was in the reign of Queen Elizabeth, that was Captain John Smith in the reign of her successor;" that he was "the only man in Virginia." "the rest of the Council there being notoriously incompetent;" that he was "the only one in England who had a thoroughly practical understanding of the true

method for settling Virginia," "the managers in England not understanding the business at all," etc. There is no stronger illustration of the maxim, "I care not who fights the battles so I write the dispatches." All of these opinions, laudatory of Smith and condemnatory of his peers, are fully sustained by Smith's publications (dispatches). But he was largely a dispatch writer, "a paper tiger." As a matter of fact, Captain John Smith did not contribute enough in money to entitle him to full rights as an adventurer. He did not remain in Virginia long enough to acquire full rights as a planter, and his services were not deemed sufficient by the committees of the company to justify them in rewarding him on his merits. He did not bring the colonists to Virginia. He landed there himself as a prisoner; was a prisoner at a time when he asserts that he was saving the colony from abandonment, etc.; was sent back to England as a prisoner "to answer some misdemeanors," and was not only not in the active service of the Virginia Company under which the colony was finally established, but was opposed to the popular charters under which the enterprise was being managed by the greatest business men and most advanced statesmen then in England. He not only was not "the founder of the Commonwealth of Virginia," but was opposed to the basis on which it was founded.

I do not doubt that Smith was a brave man, but he was not the only one in Virginia. I believe that every man who had the courage to cross the Atlantic in the frail barks of those days was necessarily a brave man. Although the evidence is so "mixed" as to render it impossible to say exactly what his deserts were, I believe that he was deserving of some praise for some things which he did in Virginia; but he was not "the only man in Virginia," and he was not more worthy than those who remained in Virginia devoting their lives to the enterprise. It is evident that Percy, West, Martin, Archer, Ratcliffe, and others who were in Virginia with him, whose opinions are certainly

entitled to our respect, thought that he did more harm than good as an actor in Virginia; but whatever his services — whether he went or was sent from Virginia — the important fact remains that he never returned there, and that if every one else had done exactly as he did, there would have remained no colonists in Virginia, but mountains of books in England conveying incorrect ideas, and filled with a mass of vanity, “excellent criticism” and “good advice,” amounting really to nothing.

He was not a hero nor a saint; he was not the founder of Virginia, nor the father of New England. Inspired by his controlling trait, vanity, he provided for his present and future fame by catering to the ideas of the king; by furnishing his own eulogies in the various tracts and books published by himself, and in the notes, etc., supplied by him to others; and by leaving (in his will) £20 (more than twice as much as his contribution — £9 — to Virginia), to be disbursed in his own funeral expenses. He would really have been more deserving of our respect if he had been guiltless of doing some of these things, yet he has been regarded as “the only man in Virginia” because he was the only man who did these things. “Vanity of vanities all is vanity.” Very many more modest and more worthy men lie unhonored and unknown beneath the sacred soil of the Old Dominion. Before 1631, when Smith was buried in St. Sepulchre’s Church in London, more than three thousand English had died in the colony of Virginia, among them being many as honorable people as any in our annals. No stone marks the grave and no epitaph preserves the memory of a single one of them (male or female), and some of them are not even fairly treated in our first history. Yet there is really more reason for honoring them than there would have been if they had devoted themselves to publishing volumes in their own praise, or in criticism of others. It is useless to attempt to obscure the fact. Our first history, founded on the vanity of King James and of Captain John Smith, is a shame, and we cannot mend

the matter by canonizing its author, or by defending its errors. We must correct its wrongs and render justice to our real founders. Even the final resting-places of Captain Gabriel Archer, who first proposed to have a parliament in Virginia, and afterwards protested against the royal form of government for Virginia; of the members of the first Council who gave their lives in and to Virginia; of the first Protestant ministers who gave their lives to the cause of Christ in the colony; of Sir George Yeardley, who inaugurated the popular form of government in the present United States, and of the members of the first House of Burgesses in America, are not known. And this is practically a picture of *the personal issue* in our earliest history. "We have listened to the song of the siren," and as a result the historic fate of the real founders of the nation is a national disgrace. Our histories have conferred the honors on "the enemies" of our founders: "the spotless man" who attacked their characters and opposed their patriotic motives, and "the noble King" of the Powhatan Indians who attacked their persons. This is not only true of the men, but of the women also. Although Pocahontas was not an enemy, I believe there were many English women in the colony deserving of as much praise as has been lavished on the Indian princess, and notwithstanding their historic fate, I am as certain that there were ministering angels and heroines among the Anglo-Saxon women who aided in founding this republic, as I am that there was sickness, famine, war, and death in the colony. The fate of the birthplace of the nation illustrates the effect of "the song" on *the historic issue*.

The personal issue is not so important as *the historic issue*; but look on this picture and on that, and it will be seen that we have "sold our birthright for a mess of pottage."

III. An analysis of the work will show that *Captain John Smith, in his history, has not given a correct idea (history) of this movement and of these men.* We have

not the original documents from which it is said that his account of the colony under the crown (1607-1609) was compiled, and we do not know what they really contained (although circumstances lead us to believe them to have been as favorable to royal ideas as possible); but as published, the narrative goeth where Smith goes, and lieth where Smith lies; it tells little of what was going on even at Jamestown, unless Smith was there; it makes the condition of the colony under the royal form of government to appear more favorable than it was; but it is devoted to selfish personal matters rather than to history. We have, however, most of the originals from which he compiled for 1610-1623, and these prove his manner of compiling to have been frequently misleading and unreliable.

Captain John Smith may not have been as much of an impostor as George Psalmanazar; he was not so well indorsed; but if he was guilty of an imposture he was an impostor, and in many respects his history is manifestly an imposition; and as he is the only one who can really be taken hold of as the responsible authority for that work, he is to that extent personally responsible for its faults. Whether as compiler, editor, or author, its faults are to that extent his faults. And the motive of this history is self-condemnatory; for it is certainly more disposed to eulogise or defend the author and to blame or defame others than to give fair ideas. It is not really necessary to prove the falsity of any particular statement. A book without a single untrue statement may, by omitting facts or by giving them in a misleading way, convey just as false an idea as if every assertion were inaccurate. And there are many true statements in Smith's story; many worthy expressions, as there are in other books of the same character whose authors were clever enough to make the vehicle in which they were carrying their own goods as strong, as plausible, as worthy of belief, as they could; but it contains many inaccurate statements, and so far from conveying the true historic idea of our foundation and of our founders it really

obscures the truth so shrewdly as frequently to make the real history very difficult of apprehension. The historian has constantly to leave the regular flow of the narrative for the purpose of removing some obstruction from the channel; to quote at length from numerous old documents which sometimes make dull reading; to go into disagreeable controversies or into tiresome explanation, in order to right the wrongs which have been done by Smith's history.

It is now certain that Smith gave a very ungenerous and incorrect idea of this great movement, yet it will be very hard to correct entirely the historic wrongs which have been caused by the acceptance of his story in the past, because of the human disposition to uphold past opinions at all hazards. That is to say, it is only necessary to go into the controversy because the "history" was a contemporary publication which came to be almost the only available account of the infancy of our State, and which we have been taught to regard as a standard authority from generation to generation. Yet the very fact that it was a contemporary publication is *primâ facie* evidence that it was not a genuine history of this enterprise.

Even when there is no censorship over the press contemporary publications are apt to have some other motive than the making public of the unvarnished facts fully and fairly on all points. It is not in the nature of man to write contemporary history. "Time, the nurse and breeder of all good," has to smooth out partisan influences of all sorts before history can be written. And although there is, in Virginia especially, a very strong conservatism in dealing with matters of history and tradition, there is no reason why Smith's history, like all such contemporary publications, should not yield to the truth brought to light by time. The tree must be judged by its fruit, and it is now manifest that owing to a reliance on Smith's history, *few men in any age have been more overrated than Captain John Smith; no event in modern times more ungenerously considered than the founding of this nation, and*

no men more unjustly treated in history than those who really accomplished that task.

Of course a great deal depends on the standpoint from which the subject is viewed. To some those who protested against the king's form of government in 1608-1609 were patriots; to others they were rebels. "*Hinc illæ lachrymæ.*" The London Company of 1609-1624, to which Smith's history is especially unjust, had been a cradle of civil and religious liberty; in it were fostered the ideas which were the germ of the commonwealth of England and the genesis of the United States. But when Smith's history was published in 1624, many regarded the company as a "seminary of sedition." The royal officials in England, and even in Virginia, it seems, soon began to obliterate the evidence of the truth as to our earliest history so far as they could. Even the copies of the portions of the company's records which were first made use of by Stith in 1746 had to be preserved by stealth.¹ It is believed that the original records of the acts, plans, and purposes of the company were all destroyed in 1624, or soon after. However this may be, it is certain that they were not used by any historian, and it is equally certain that the publication of a genuine history of this patriotic movement would not have been permitted by the Privy Council, because it was even then busy burying in every way the popular ideas and acts of "the late Virginia Company." The author of such a book would have been held guilty of leze majesty, and the book would have been burned by the order of "the High Commission."

The history of the origin of this nation must now be written from the authentic records of the company which were then suppressed by the Council, rather than from the histories of writers then licensed by the crown. It is not possible to write a correct account of this grand movement, or to render justice to those who carried it forward to final success in England and in Virginia, without impeaching Cap-

¹ They revealed to the public for Smith's story continued to obstruct the first time much real history; but the vision.

tain John Smith. Some historians have been disposed to accept the personal views when favorable to Smith, and to reject them when unfavorable to others; while other historians reject his favorable views of himself and accept his unfavorable criticisms. We cannot accept and reject evidence at will. To reject is to impeach, and each party thus impeaches his evidence as much as those who do not rely upon it either when favorable to himself or when unfavorable to others. Some historians, while apparently indorsing his history, have really devoted themselves to supplying his omissions, correcting his errors, and altering sundry ideas conveyed by him, — that is, to impeaching his history. The truth is that the events were in accordance with the universal harmony of things. Our origin as a nation is perfectly legitimate; we are by birth republican or democratic, and not monarchical; and as we are no longer under the crown, there is no longer any reason why we should yield our national birthright to the royal prerogative, or sacrifice our founders to the vanity of Captain John Smith. The main question is not whether Smith was saved by Pocahontas, but whether our earliest history can be saved from the incorrect and unjust ideas conveyed by Smith and formerly accepted by our historians. In order to see the facts it is necessary to look from the correct standpoint, because the same evidence will convey different ideas when looked at from different points of view. The real issue in the so-called John Smith controversy is between Captain John Smith and the ideas conveyed by his publications on the one side, and the managers of this movement and the ideas which really inspired them on the other. The founding of this country was one of the most important and noblest enterprises in the annals of the world. No movement was ever conducted by men more competent, or inspired by grander ideas; and no men ever had greater difficulties to overcome. But, owing to circumstances then obtaining, no event ever had a more incorrect or a more trivial history, or a more incompetent and unfair historian.

“A vainglorious fellow,” as Percy called him, devoting himself especially to “sounding his trumpet as the hypocrites do,” he “appropriated to himself many deserts which he never performed, and stuffed his relations with many falsities and malicious detractions of others.” The true idea of our foundation cannot be seen from the John Smith point of view, *because he was opposed to it, and does not give it*. The licensed historian had served under the crown only; he had been removed from his official position by the managers of the company; he was not disposed to deal fairly with them, and he really obscures the popular ideas and acts of that company as fully to the satisfaction of the royal censors (who wished to obliterate them from the page of history) as if the story was published for that very purpose. The real history of the enterprise can be fairly seen only from the point of view (the authentic records) of those on whom it was dependent. From this standpoint it will be seen that this nation had its origin under the inspiration of the grandest progressive ideas, the spreading of the English race and religion, commerce, and commonwealth, and the planting of civil and religious liberty in the new world. And the fact that the numerous grave obstacles which had to be met were finally overcome must be conclusive evidence to every unbiased mind that the movement was well managed by competent men under Divine Providence; for otherwise, as the reading of the following account in the text will show, it must have resulted in failure.

Much of the record is still missing. The narrative of events in England and in Virginia is still incomplete. This is especially the case with Virginia. We frequently do not know what was going on in the colony, — at Jamestown, at the meetings with Powhatan, or in the battles with Opechancanough. And much of the contemporary evidence, besides that already mentioned, both in manuscript and in print, as to material and immaterial matters, is of a more or less partisan, unreliable character; but there is sufficient

evidence of a reliable character to take most matters of real importance out of the controversial column and to establish them as historic facts. Those things which may still be subject to controversy have generally little other than a mere personal consequence. The broad outline of the movement already stands out above the fading clouds, distinct and clear. The period which gave birth to this nation was one of the most remarkable transition periods in English history, in which men of affairs were just as active in making the advance in their spheres as men of letters were in theirs; and a brief review of this movement will show that it was the most important event of that period.

In the beginning many engaged in the enterprise inspired with the hope of finding a ready way to the South Sea, mines of gold, or other "present profit;" and it was fortunate that such hopes obtained to support the movement in its infancy. It was also fortunate that as these hopes were dispelled self-seeking men generally "withdrew themselves;" because the diplomatic and other conditions which surrounded the enterprise from the first soon became such as to make it essential to final success that the enterprise should be under the guidance of broad-minded, reliable men of commanding influence, inspired by the earnest desire to promote the future good of their country and of their posterity regardless of themselves.¹

The movement soon became one of the most important factors in the politics of that period, not only in England and America, but also in Spain, France, and the Netherlands; not only in the contest then going on between Protestantism and Romanism, but also in the contest then beginning between the crown and the Commons; and the foreign, national, and diplomatic issues involved received the earnest attention of the prime ministers as well as of the most celebrated statesmen and diplomats of England.

The popular charters and other legal instruments of the London Company for Virginia were drafted by Sir Edwin

¹ See *The Genesis of the United States*, vol. ii. pp. 775, 776.

Sandys (a statesman of "the greatest parts and knowledge in England"), assisted by other lawyers and politicians among the progressive thinkers of that transition period, who also designed a popular form of government for the colony, and these documents formed the original basis for civil and religious liberty in the new world.

The colony was established under the business management of Sir Thomas Smythe and other leading men of affairs of that day, who were then spreading the power of the Anglo-Saxon to the uttermost parts of the known world. The necessary means for carrying on the enterprise were contributed by "a greater union of Nobles and Commons than ever concurred in the Kingdom to such an undertaking;" the voyages were under the command of old sailors who had learned the Atlantic in the days of Elizabeth; the colony was under the government of old soldiers trained up in the Netherlands; and the planters were largely of the restless, pushing material of which the pathfinders of the world have ever been made.

It is true that parties were finally formed in the company and colony, but such parties are the natural offspring of a popular form of government, and this is a wise dispensation; for without the safeguard to the public weal which is afforded by one party (the "outs") keeping constant watch over the other (the "ins"), a popular government would soon become the worst sort of monopoly. Therefore, even though party spirit may sometimes have run too strong then, as it sometimes does now, it should be viewed leniently. And it should also be remembered that many papers were compiled for party and not for historical purposes.

The enterprise was a new venture, largely experimental, and had also to be carried forward in the face of great difficulties of almost every kind, with diplomacy, with discretion, and at great expense; but all things were as well ordered as human foresight permitted at that time. The managers were not able to change the ocean currents and

the fevers of the tropics, nor the climate of Virginia. Man did not then command the steam and the lightning. Quinine was unknown. Many things could only be revealed, regulated, and overcome by time. All things were in the power of God alone, and "the hand of God" was frequently "heavy upon them." But they finally established the colony, and placed the destiny of our country in the hands of the Anglo-Saxon. Then they inaugurated civil and religious liberty in America. They instituted popular government at Jamestown, and sent over the Pilgrims who landed at Plymouth.

It was the influences originated by and under the popular charters of the Virginia Company of London which first shaped the destinies of the new nation in the new world which has become the greatest nation in the whole world. Whatever may be the opinions of any of us on subsequent issues, all of us should wish to see justice done the real founders of this nation, "whose greatness of mind enabled them to perceive, amidst the losses, difficulties, disappointments, and expenses of a beginning colony, the great advantages to be derived therefrom in the future by their country; and preferring the interest of posterity to their own, to pursue the undertaking regardless of all difficulties, in spite of the malignity and narrow wisdom of the world."¹

The divine command to honor those who produced us that our days may be long in the land is as applicable to a nation as it is to man. The most important period in an existence is that of its beginning; and it is most desirable for us to have the historic facts regarding our origin as a nation.

Captain John Smith claimed that the American colonies were "pigs of his sow," and he devoted many years to presenting his side of the case in various ways, with much shrewdness, turning to his advantage sundry circumstances and occasions. His history was licensed by the crown; it

¹ Edmund Burke.

has been available from the first; we have been taught to believe it to be the standard authority on the English colonization of America, and those who may still wish to look from the John Smith standpoint will find many histories in every library to meet their views. But the company records concealed by the Privy Council have never been available to the public. No one has ever published an account of this movement based on the authentic evidences of those on whom the enterprise was really dependent in England and in America. The object of this work is to supply this national historic deficiency; to render justice to them; to give the real ways by which they managed to carry the movement to final success; the real difficulties which they had to overcome; the real motives which inspired them; the real history of their enterprise; so that those who wish to have a correct and fair idea of the first foundation and of the real founders of this republic may have at least one history to meet their views.

It is a mistake to think, as some do, that "the matter is one of especial historic importance to Virginia only, and the responsibility for the historic conditions must be laid on Virginians alone." This broad historic question is not a sectional matter at all. The fact that Smith's history has been so long accepted as "the standard authority on the English colonization of America" is a national disgrace. Captain John Smith was not the founder of Virginia, nor the father of New England. The men for whom I ask justice "had farther designs than making a tobacco plantation" in Virginia. They secured a lot in the new world for a new nation; settled colonies both in New England and in Virginia, and originated the first republic in America, under charters of 1609 and 1612, which made possible all that has come after them. Standing on the broad foundation shaped by them "we are now a great nation," and all citizens of the United States have the same interest in their popular charters which they have in our declaration of final independence of 1776, as based on them. It is as

much a national duty to protect from authors under the crown the history of the first planting, under these charters, of the seed of this republic, as it is to defend from Tory writers the history of the final gathering in our Revolution of the matured fruit of that seed. This duty falls alike on the North and on the South; on those who wore the blue and on those who wore the gray; on the daughters as well as on the sons of our various patriotic, historical and genealogical societies. And all patriotic citizens should take as much pride in being of "founders kin" as is taken in tracing from the Roll of Battle Abbey.

I have now given many of the real reasons which have influenced me in this historic matter, and the text of this book will prove each reason to be a valid one. Of course, I cannot expect those who continue to look from the John Smith standpoint to be able to see my position sufficiently clearly to fully appreciate it; but I trust that others will. I know very well that I have not written the account of our real founders as well as it should have been done; but I have done my best, and I hope that the fate of my work is safe in the hands of the posterity for which they labored.

In preparing to write this book I made a careful chronological and general index of all the evidences in the premises that I could find written between 1605 and 1657, with a few by contemporaries, but of later publication. The volume has been written from these indices, and every statement in it is based on these evidences, and not on the writings of any more modern authors. As to some statements I have only one authority; as to others there are many. Sometimes the several references to the same item agree fairly well; at other times they are contradictory. In such cases I have followed the evidences which I regarded as the most reliable, avoiding controversial evidences, for controversy is not history, and we cannot accept a mooted question as an historical fact; rejecting *ex parte* evidences and unfriendly criticisms; frequently confining myself to the words of the original documents; always trying simply

to state the facts and to let them speak for themselves. Evidences since found have made many things clearer to me than they were when I published "The Genesis" in 1890. The account might have been made more interesting (and the book more popular, it may be) if written "like to a ship, that cutteth the cable, and putteth to Sea;" but, like the ship, it is more valuable when restrained to its moorings. We read romance for pleasure, and we wish it to amuse us whether it is correct or not; but we read history for information, and it must give the facts even if they are dry. The more interesting an incorrect history, the more harmful it is. I always wish to give as much information as I can in as few words as possible; but, in order to carry out my object, it is sometimes necessary to go into details, and to give much original matter which, save for its value in the premises, would not make interesting reading. I have tried to repeat no more of what I have already given in "The Genesis" than was necessary. I only attempt to give the leading remaining original references to matters pertaining to divinity, laws, and medicine. I do not attempt to discuss or to explain them fully, as the ministers, lawyers, and doctors can do this better than I, and as they will be more interested in clearing up their professional matters for themselves.

In order to make the collection of original matter for 1605-1616 as complete as possible, I have inserted in this volume sundry papers discovered since 1890. The documents written during 1617-1627, and now available, are too numerous to be given completely; but I have used them freely in compiling this account, and hope some day to be able to preserve the scattered evidences for that period, as I have already done for 1605-1616 in "The Genesis of the United States" and in this book.

A document written at that time in London on March 16, 1612 (present style), would have been dated by an Englishman, March 6, 1611; by a Spaniard, March 16, 1612; by a Dutchman, March $\frac{6}{16}$, 161 $\frac{1}{2}$. The different

dates given for the same day under the differing styles then obtaining have caused a vast confusion of dates in our histories. For this reason, and also because I am writing for people of the present time, I have determined to use the present style date throughout the book, save when otherwise noted. I have also modernized the old spelling whenever deemed advisable, and have written out in full the old contractions of words, etc., in the original documents.

If any of my fellow-citizens should be disposed to think that I have given too much labor and too many pages to this brief period, they must remember that it is always of the first importance in building anything to make sure of the foundation before proceeding further.

My sincere thanks are due to Hon. A. R. Spofford, librarian of Congress, the Bureau of Ethnology, Washington, D. C., Mr. Wilberforce Eames, of the New York Public Library, Hon. J. P. Baxter, of Maine, Mr. Charles P. Keith, of Philadelphia, and Mr. W. W. Scott, of the Virginia State Library, for aiding me in various ways in procuring material for this work, and to those who by patronizing the book with their advance orders have become co-authors in its production.

ALEXANDER BROWN.

NORWOOD P. O., NELSON COUNTY,
VIRGINIA, *April* 12, 1897.

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THE FIRST REPUBLIC IN AMERICA

UNDER THE CROWN

I

ENGLAND, JULY, 1605 — JULY, 1607

ROBERT CECIL, EARL OF SALISBURY. PRIME MINISTER

THE idea that the dangerous and increasing power of Spain and Rome in America should be checked had been growing in England ever since the arrival there in 1565 of the Huguenots who escaped massacre by the Spaniards in Florida. The spark kindled by the betrayal of Hawkins, Drake, and others at Vera Cruz in September, 1568, never went out. "The wings of man's life are plumed with the feathers of death," but the great ideas of Gilbert, Raleigh, Walsingham, Sidney, and others did not die. Private and public enterprises for "annoying the Kinge of Spaine" in America continued to be sent out from time to time; sometimes "under pretense of letters patent to discover and inhabit" the country, and sometimes openly to destroy or to make "prizal of the shipping of Spain." From 1585 to 1603 there was actual war, and the efforts — to colonize America — of Walsingham, Gilbert, Raleigh, Sidney, Carleill, Grenville, Hakluyt, Smythe, Lane, White, and others were finally stopped by this war. After the conclusion of the treaty of peace (1604–1605) between England and Spain, "the then only enemy of our nation and religion," it was determined by many in England to take advantage of "this opportunity," "commended by the English politicians," for carrying out Sir Philip Sidney's scheme "to check the

unadvised rashnes. Bicause the wayght of this our home state lyeth already so much upon you, that to press you unto more may be thought importunitie, or rather in us a want of judgment. But the propertie of virtue and true honour is to put no limits unto the doing of good, in which the farther that mortal men can procede, the nearer they approach unto God. And you whom God hath extraordinarily indued and made compleat in all abilities which may extend to the advancement of most high and honest causes, will not (we are perswaded) take any such motion to be impertinent to you, but well deserving to be patronised by one so honourable a personage as yourself: the same reaching and aspiring to the chiefest good that man can propound.

“But forasmuch as so great a business as for planting of Christianitie amongst heathens can never be duly effected by private meanes, in which course some of us have many yeares past ventred both lyfe and substance without fruite: we have devised another way without offence to publike or private, whereby the cause may be compleatly sett forward, supported, and seconded, untill it be grown to such perfection that it may stand of itself, and give large recompence to all co-assistants. Which meanes requireth the consent of *Parliament*, whereunto a *motion* is drawn by us, and a *brief discourse* of inducements also, for satisfaction of sondry objections which have been made *heretofore* — seeming fytt to leave as little scruple as may be in mens mynds and consciences, whose furtherance must be requyred in the House — somme coppies whereof we intend to deliver amongst diverse our friends members of the same.

“Nevertheles before we procede, we thought it our dutie fyrst to acquaynt your Lordship therewith, without whose grace and honorable advice we desyre not to do anything. For which consideration we hombly present your Honour with the fyrst view of our projects, which we hope after your accustomed manner you will voutsafe to accept.

“Being in this and all services ever devoted unto you,

and so rest, attending your honours pleasure as we shall understand by this deliverer,

“Your Ho^{rs} most bounden,

“THO^s. HAYES,

“EDWARD HAYES.”

Captain Edward Hayes had “ventred both lyfe and substance” in Gilbert’s voyage to our northern coast in 1583. Neither the “*motion*,” nor “*brief discourse of inducements*,” to Parliament are now on file with the letter; but I am satisfied that the document headed “Reasons for raising a fund,” and given in “The Genesis of the United States,” pp. 36–42, is a copy of one of these papers.

The second session of the first Parliament of James I. began November $\frac{5}{15}$, 1605, — the day of the celebrated Gunpowder Plot treason. On November 19, Parliament was adjourned to January 31, 1606. On their reassembling a bill was at once passed making November $\frac{5}{15}$ (“Gunpowder Plot day”) “a day of thanksgiving forever,” which bill remained in force over two hundred and fifty years. The session, which continued to June 6 (N. S.), was largely devoted to measures and acts in the interest of England, at that time in favor of the reformed religion and against the Church of Rome. It was during this period of excitement, and under the same influences, that the national movement for securing a lot or portion in the New World for the English race and religion was taking definite shape in England. And although it was not deemed best for the colonial charters and official papers to be publicly confirmed by Parliament at this time, many of the ideas found in the parliamentary acts were embodied in the said charters, etc., for the plantations, and the movement was personally indorsed by many members of that body.

Exactly when the movement to plant public colonies in America took definite shape I do not know, but among the most influential men in putting it on foot were Robert Cecil, Earl of Salisbury; Sir John Popham, lord chief

justice ; Henry Wriothesley, Earl of Southampton ; and Sir Ferdinando Gorges. The petition for the first charter was signed by Sir Thomas Gates (who had been selected as a land officer in the Drake-Sidney voyage to America, 1585-86), Sir George Somers, a member of Parliament (who had served under Raleigh, and who had commanded several victorious voyages to the West Indies in the time of war with Spain), Rev. Richard Hakluyt (who had previously taken such deep interest in the colonial enterprises of Walsingham, Sidney, and Raleigh), Captain Edward-Maria Wingfield (who had served in the Low Country war against Spain), Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, all of whom had seen service as sea captains in American waters in the time of Elizabeth.

The first draft for the proposed first Virginia charter, annexed to the petition for the same, was probably drawn by Sir John Popham. It met with the royal favor and the charter was granted by James I. The warrant to prepare it was issued by the secretary of state (Robert Cecil) ; it was prepared by the attorney-general (Sir Edward Coke) and the solicitor-general (Sir John Dodderidge) ; and on April $\frac{1}{2}$ 0, 1606, it was passed under the great seal by the lord chancellor (Sir Thomas Egerton).

It was a general charter claiming for the crown of England the whole of North America between 34° and 45° north latitude, commonly called Virginia. It professed as a leading preamble or motive "the furtherance of so noble a work" "as the planting of Christianity amongst heathens." Two companies — one for planting a colony in South Virginia, the other for planting a colony in North Virginia — were both incorporated by this one charter. The first colony was authorized to locate their plantation "in some fit and convenient place" between 34° and 41° north latitude, and when so settled the charter then granted them fifty miles north and fifty miles south of said settlement as well as one hundred miles to sea and one hundred miles within the land. And the second colony was authorized

to locate their plantation between 38° and 45° north latitude, and were granted like bounds of land on like terms, "provided, however, that the colonies should not plant within one hundred miles of each other." This clause has frequently been a cause of comment; but as one colony was to extend fifty miles north of their seat, and the other fifty miles south of theirs, the proviso was necessary to prevent a possible conflict of bounds between the two colonies. About 2,000,000 square miles of land were claimed by the crown, of which only 20,000 square miles were granted (and upon conditions) to both colonies. The whole of this Virginia, including the said very limited grants to the two colonies, was placed under the management of one and the same Royal Council of Virginia; "all of whom were appointed by the King; and to be increased, altered or changed at the King's pleasure and this Council nominated the councellors of the colonies," who were to govern according to such laws, ordinances, and instructions as should be given by the king. The document was a royal charter containing "not one ray of popular rights," although it granted sundry privileges to the companies. They could search for mines; coin money; invite and carry over adventurers; repel intruders. Duties payable by certain persons for trading to the colonies were to the use of the colonies for twenty-one years, then to the king; certain articles were free of duty for seven years; inhabitants and their children to have privileges of British subjects; penalty for carrying goods, etc., destined for the colonies to any other places; robberies, etc., to be punished; and finally lands granted by the colonial authorities, "to be holden of *us* [the crown], our heirs, and successors, as of our manor of East-Greenwich in the county of Kent, in free and common soccage only, and not in capite," and lands passed by these patents were assured by the patentees.

The charter is a very important document; but as a charter for colonization it was mainly experimental, and as experience revealed its imperfections they were corrected

by subsequent charters. It remained, however, *the royal charter*, the basis of England's claim to America between 34° and 45° north latitude.

Although not so stated in the charter, the secretary of state (Robert Cecil) was the patron of the southern colony, and the lord chief justice of England (Sir John Popham) was the patron of the northern colony.

Purchas, while referring to this charter, says that "he also had copies of both the Articles and Instructions two dayes after dated [$1\frac{1}{2}$ April 1606], signed, and sealed, with the Privie Seale for the government of the plantation." I have found no copy of these original articles; but at the request of Sir Ferdinando Gorges and others they were finally canceled or revised, and reissued.

Sir John Popham had at once interested the citizens of Plymouth in the plantation of a colony in the northern parts of America; but on May 20, 1606, "Waltere Mathewe deputy mayor of Plymouth and his bretherin of the city council," wrote to Cecil, by Captain Thomas Love, protesting against certain conditions of the articles, and on the same day Sir Ferdinando Gorges wrote to the same person¹ to the same purport, begging Cecil to use his favor and wisdom in their behalf. The special objection seems to have been with those originally chosen to be of his Majesty's Council. "And indeed," writes Gorges, "when yt was once bruted that soe many Cittizens and Tradesmen weare made councillors to his highnes for the disposing of theire afares that on theire private chardg undertooke the enterprize, all the gentlemen that before weare willing to be lardge adventurers presentlie withdrew themselves and by noe meanes will have to doe therein." It is to be inferred that the citizens of Plymouth found the relief asked for through the honorable favor of Cecil, as Sir John Popham, Sir Ferdinando Gorges, with divers other worshipful

¹ For the Gorges documents, see *Sir A. M. Boston. The Prince Society Ferdinando Gorges and his Province of Publication, 1890. Maine. By James Phinney Baxter,*

knights, gentlemen and merchants of the west country, on August 22, 1606, sent forth from Plymouth M. Henry Challons in the *Richard*, of Plymouth, on the voyage intended for the North Plantation of Virginia. In this ship, of about fifty-five tons burden, there went twenty-nine Englishmen and two of the five savages (Manedo and Assacomoit) which were brought into England by Weymouth the year before out of the north parts of Virginia.

And two months after "it pleased the Noble Good Chiefe Justice, Sir John Popham, Knight, to send out another shippe, wherein Captayne Thomas Hanham went commander, and Martin Prinne [Pring] of Bristow, master, with all necessary supplies, for the seconding of Captayne Challons and his people."

While these things were being done in the west of England, sundry citizens of London were preparing a well appointed expedition for the southern colony of Virginia.

On November 30, 1606, James I. issued his Articles, Instructions, and Orders for the government of the two several colonies. This is a remarkable document, written by King James, who always had an high idea of his own acts, and it came to pass that this act had an important influence on our early history, as first published. In this instrument he appoints his first King's Council of Virginia (34° to 45° north latitude), namely, Sir William Wade, lieutenant of the Tower of London ("son of Armigell Wade, the British Columbus;" a statesman, diplomat, and M. P.), Sir Thomas Smythe (one of those to whom Raleigh assigned his interest in Virginia in March, 1589; M. P., etc.), Sir Walter Cope (statesman and M. P.), Sir George Moore (statesman and M. P.), Sir Francis Popham (son of Sir John Popham, M. P., etc.), Sir Ferdinando Gorges (governor of the forts of Plymouth, etc.), Sir John Trevor (M. P., etc.), Sir Henry Montague (recorder of the city of London, M. P., etc.), Sir Wm. Romney (governor of the East India Company), John Dodderidge, Esq. (solicitor-general, M. P., etc.), Thomas Warr, Esq. ("coun-

ciler-att-law," a grandson of Sir John Popham), John Eldred of London (merchant, a director of the East India Company), Thomas James of Bristol (merchant, M. P., etc.), and James Bagge of Plymouth (merchant, M. P., etc.). I take it for granted that these men are not the "Tradesmen" alluded to by Gorges in his letter to Cecil (May $\frac{1}{2}$ ⁰, 1606), as "well known to have noe manner of understanding what belongeth thereunto [the management of the enterprise] more than ordinarie." This Council had power and authority (but it was "at the royal pleasure, in the royal name and under the royal power and authority in all things") over the country of Virginia and the colonies. They appointed the several councils for the several colonies who were under their direction, but as laid down in the peculiar form of government designed for the colonies by King James in the said remarkable document: —

"A Copy of the Oath for the King's Counsel of Virginia.

"You shall sweare to be a true and faithfull servant unto the King's majesty as one of his counsel for Virginia. You shall in all things to be moved, treated and debated in that counsel concerning Virginia or any the territories of America between the Degrees of 34 and 45 from the Equinoctial line northward, or the trades thereof, faithfully and truly Declare your mind and opinion according to your heart and conscience. And of all matters of great importance or difficulty before you resolve thereupon you shall make his Ma^{ties} Privy Counsel acquainted therewith and follow their Direction therein. And shall keep secret all matters committed and revealed to you concerning the same, and that shall be treated secretly in that [the Privy] Counsel or this Counsel of Virginia [until such time as by the consent of them] or the more part of them publication shall be made thereof.

"You shall to the uttermost bear faith and alleagiance to the Kings ma^{tie} his heirs and lawfull successors, and shall assist and defend all jurisdictions preheminences and au-

thorities granted unto his Ma^{tie} and annex unto the crown, be it by Act of Parliament or otherwise, against all forrain Princes, persons, Prelates or Potentates whatsoever, and generally in all things you shall do as a faithfull and true servant and subject ought to Do. So help you God and the holy contents of this Book."

On December $\frac{10}{20}$, 1606, when the expedition to southern Virginia was nearly ready to sail, his Majesty's Council for Virginia issued their orders and directions for the passage by sea, and after their arrival and landing there, and their "Instructions given by way of Advice" to the colonists.

But few details relative to the preparations for this voyage have been preserved. Wingfield (in June, 1608), in defending himself from the charge that "he combyned with the Spanniards to the distruction of the Collony; that he was an Atheist, because he carryed not a Bible with him," replies, "I confesse I have alwayes admyred any noble vertue and prowesse, as well in the Spanniards, as in other nations; but naturally I have alwayes distrusted and disliked their neighborhoode. I sorted many bookes in my house, to be sent up to me at my goeing to Virginia; amongst them a Bible. They were sent me up in a trunk to London, with divers fruite, conserves and preserves, which I did sett in M^r Crofts his house in Ratcliff. In my being at Virginia, I did understand my trunk was thear broken up, much lost, my sweetmeates eaten at his table, some of my bookes, which I missed, to be seene in his hands; and whether amongst them my Bible was so ymbeasiled; or whether mislayed by my servants, and not sent me, I knowe not as yet."

The personal part of this passage may be explained by the fact that Mr. Richard Crofts was one of the first planters, and Wingfield had had a squabble with him in Virginia over a copper kettle. It would be interesting to know what books were carried to Virginia in this first voyage.

In this same line of defense, Wingfield also says: "For

my first worke (which was to make a right choice of a spirituall pastor), I appeale to the remembrance of my Lord of Caunterbury his Grace [Richard Bancroft], who gave me very gracious audience in my request. And the World Knoweth whome I tooke with me [Rev. Robert Hunt]; truly, in my opinion, a man not any waie to be touched with the rebellious humors of a papist Spirit, nor blemished with ye least suspition of a factious scismatick, whereof I had a speciall care." There was an effort made to prevent papists and separatists from going; but the only religious oath required of the colonists under the first form of government (November, 1606) was the new oath of allegiance passed at the second session of the first parliament of James I., which oath did not necessarily exclude English Catholics from the colony, as there was a difference of opinion among them as to the lawfulness of taking it, and some Catholics went to Virginia while under the first charter.

Fuller, in his "Church History of Britain," says the Pope issued two briefs against this oath, "prohibiting all Catholics to take it, etc. Notwithstanding all which the oath was generally taken by Catholics without any scruple or regret." Continuing, he says: "In the Pens tilting at Pens" about its lawfulness, "King James undertook the Pope himself, the wearer of three against the wearer of a triple crown (an even match) effectually confuting his Briefs," etc.

On Saturday, December $\frac{20}{30}$, 1606, the first expedition sent out for "the First Colony in Virginia" sailed from London, under the sole charge and command for the voyage of Captain Christopher Newport, in three vessels, namely: "The good ship called the Sarah Constant (Captain Newport, Admiral), and the ship called the Goodspeed (Capt. Bartholomew Gosnold, vice-admiral), with a pinnace called the Discovery (Captain John Ratcliffe)." Statements differ as to the number of people in the expedition; but the Advice of the King's Council (which is the official statement) places the number of emigrants at "six score" (120). There were also about forty or fifty sailors.

It is probable that Drayton, who was a friend to Sir Thomas Smythe, wrote his "Ode to the Virginian Voyage" at this time.

It seems well to note here that in 1606 most of the citizens of London lived within the walls on the north side of the Thames. I find the population variously estimated at from "about 160,000" to "more than 300,000." I believe the latter figure to be nearly correct. From 1603 to 1611 the city suffered under a visitation of the plague. "From March to December 1603 there died 37,294, whereof of the Plague 30,561. From Thursday Dec. 29, 1605 to Thursday, Jan'y 4th 1607 (five days after the sailing of Newport), there were buried in London 7,920, whereof of the plague 2,124."

It was thought that the plague was caused by the large surplus population which had accumulated in England, and one of the objects of colonization was the distribution of this surplus to the advantage of the mother country.

January 24, 1607, Zuñiga wrote to Philip III., telling him, as well as he had been able to find out, about the colonization plans of the English.

From the first the movement had to meet opposition, disasters, and troubles of all sorts. In November, 1606, Captain Challons, vessel, and crew were taken by the Spaniards in the West Indies; among others, Master Daniel Tucker, the cape-merchant of the expedition, was taken to the river of Bordeaux, where he arrived January 12, 1607. After entering there sundry complaints against the Spaniards, he returned to Sir Ferdinando Gorges in England, who wrote at once to Cecil (February 14) about the affair, inclosing "The Relation of Daniell Tucker." The capture of "Challons" became a matter of state and diplomatic consequence. There is a great deal in print and much still remaining in manuscript relative thereto, but it is only to my present purpose to give an outline of the controversy.

Within a few days Chief Justice Popham received a letter from Nevill Davis (dated Seville, February 4, 1607);

and Cecil a letter from Sir Charles Cornwallis (of February 6), the English ambassador at the court of Spain, relative to the Challons (Challines, Chalonour, etc.) affair. This matter, with others of a like character, was brought before Parliament. On March 8 (N. S.), Sir Thomas Lowe, one of the members for London, laid the grievances before the House of Commons. The petition addressed "to the King's most excellent Majesty, the Lords Spiritual and Temporal, and the rest of this honourable Court," complained: *first*, "of the wrongs in fact," *secondly*, "of the wrongs in law," and *thirdly*, the petitioners desired the remedy by "letters of marque" to the value of their loss under the authority of the statute in that kind issued in the time of Henry V.

Two days thereafter the petition was referred to a committee who were to look into the matter and make their report thereon. In the Cecil papers there is a memorandum, "concerning the ship taken at sea going to Virginia," in the handwriting of Levinus Munck, one of Cecil's secretaries, in which the bearing of this case on the treaty of 1605 is considered (see hereafter).

On March 19, 1607, "James, by the grace of God, &c." issued an Ordinance and Constitution enlarging the number of the King's Council of Virginia, "and augmenting their authority, for the better directing and ordering of such things as shall concerne the two several Colonies." The additional councilors were: Sir Thomas Challoner, Sir Henry Nevil, Sir Fulke Grevil, Sir John Scott, Sir Robert Mansfield, Sir Oliver Cromwell, Sir Morris Berkeley, Sir Edward Michelbourne, Sir Thomas Holcroft, Sir Thomas Smith (clerk of our Privy Council), Sir Robert Kelligrew, Sir Herbert Croft, Sir George Coppin, Sir Edwyn Sandys, Sir Thomas Roe, Sir Anthony Palmer, Sir Edward Hungerford, Sir John Mallet, Sir John Gilbert, Sir Thomas Freake, Sir Richard Hawkins, Sir Bartholomew Mitchell, Edward Seamour, Esq., Bernard Greenville, Esq., Edward Rogers, Esq., and Matthew Sutcliffe, Doctor of Divinity. Like those

first appointed, many of these were then members of Parliament and had seen service in the late war with Spain.

Late in March, Gorges received by the hands of Nicholas Himes (Hines or Hawes), master of the *Richard*, of Plymouth, who had made his escape from Spain, letters from Mr. Challons (Chalinge), to which he replied on the 23d.

On March 8, the king of Spain wrote to Zuñiga, and on the 14th Philip III. held a consultation with his council as to the steps which should be taken to prevent the English from settling colonies in North America. The king's letter, and the report of his council, probably reached his ambassador in London late in March or early in April.

About the same time Hanham and Pring returned to England from North Virginia. Sir Ferdinando Gorges, writing many years after, says Pring "brought with him the most exact discovery of that coast that ever came to my hands since; and indeed he was the best able to perform it of any I have met withal to this present; which with his relation of the country, wrought such an impression in the lord chief justice and us all that were his associates, that, notwithstanding our first disaster [Challons'] we set up our resolution to follow it with effect." Their second expedition for settling the second or northern colony was at once organized. On April 11, the following oath was administered: "You shall swear to be a true and faithfull servant unto the King's majesty as one of the Counsel for the Second Colony to be planted by virtue of his Majesties Letters Patents in America, and therein faithfully and truly Declare your mind and opinion according to your heart and conscience and shall Keep secret all matters committed and revealed to you concerning the same, or which shall be treated secretly in that counsel, until such time as by the consent of them or the more part of them, publication shall be thereof made. And of all matters of great importance that may concern that Colony you shall, according to your Skill and Knowledge Deal circumspectly agreeable to his Majesties Letters patents and Directions in that

behalf, and shall with your fellow counsellors make his Majesties Privy Counsel or his Counsel for Virginia acquainted therewith, and thereupon shall to your Power observe and Keep such further Directions as his Majesty, his Privy Counsel, or his Counsel for Virginia, shall give unto you therein. You shall also to your uttermost bear faith and alleagiance" [and so on, as in "the oath for the King's Counsel," p. 10.] "In witness we have hereunto subscribed our names and set the seal belonging to this second Counsel of Virginia, upon the said first day of April in the year of the Reign of our Soverain Lord James by the Grace of God King of England, France and Ireland, Defender of the Faith to the fifth, and of Scotland the fortieth." The signatures are not preserved in the copy (of the original) in the manuscript volume of Virginia Records in the Law Library of Congress; but the councilors were Captains George Popham, Raleigh Gilbert, Edward Harlie (Harlow, etc.),¹ Robert Davis (Davies), Ellis Best, James Davis (Davies), and Master Gome Carew, with the Rev. Richard Seymour as secretary or recorder.

On the 17th, Gorges sent letters to Cecil and to the Privy Council, by his lieutenant, Captain John Barlee, relative to his colonial enterprises and official duties. On the 30th, Zuñiga again reported to Philip III. Early in May the Spanish Council of the Indies and Board of War examined into and consulted about the acts and plans of the English for planting colonies in the Spanish Indies, and reports thereon were soon received in England from Sir Charles Cornwallis. On May 21, the committee on Spanish wrongs, appointed by the House of Commons on March 10, were at last ready with their report, and Sir Edwyn Sandys was ordered to make it "on Wednesday next;" on which day Sandys made the report, which states, among other things, that "Tucker had thirteen sentences of restitution, but never could get execution." "A letter in Nature of a complaint of these wrongs from his Majesties Legier Ambassador in Spaine to the Council of Spain was delivered

in by the Reporter and read in the House.” It was decided that the matter should be further debated and concluded on Saturday next. After the debate was concluded (May 26) a motion was made that a message should be sent to the House of Lords for a conference. “Sent by Sir Edwin Sandys. The answer returned by him. That their Lordships thought the Matter very weighty, and rare both for matter and manner; that they would consider of it, and touching the conference desired, would send word by their own Messengers.”

On June 10, Captain George Popham made his will and wrote a farewell letter to Cecil. On the same day, “a fly-boat called *The Gift of God*, George Popham, commander, and a good ship, called *The Mary and John* of London, wherein Raleigh Gilbert commanded,” sailed from Plymouth to plant an English colony in North Virginia. Ten days thereafter Sir John Popham, the lord chief justice, and chief patron of the enterprise, died suddenly.

June 25, the House of Lords, ready for the conference on Spanish wrongs, proposed that it should take place on that afternoon, with the committee, which was agreed to. During this conference the Earls of Salisbury and of Northampton made speeches, which were reported, on June 27, by Sir Francis Bacon to the House of Commons: —

The Earl of Salisbury (secretary of state) divided “the wrongs in fact” into three: first, the trade to Spain, second, the trade to the West Indies, and third, the trade to the Levant. As to the trade to the West Indies, Bacon reported his speech as follows: —

“For the trade to the [West] Indies his Lordship did discover unto us the state of it to be thus: The policy of Spain doth keep that Treasury of theirs under such lock and key, as both confederates, yea and subjects, are excluded of trade into those countries; insomuch as the French king, who hath reason to stand upon equal terms with Spain, yet nevertheless is by express capitulation debarred. The subjects of Portugal, whom the state of Spain

hath studied by all means to content, are likewise debarred ; such a vigilant dragon is there that keepeth this golden fleece. Yet nevertheless such was his Majesty's magnanimity in the debate and conclusion of the last treaty [1604-5], as he would never condescend to any article, importing the exclusion of his subjects from that trade : as a prince that would not acknowledge that any such right could grow to the crown of Spain by the donative of the Pope, whose authority he disclaimeth ; or by the title of a dispersed and punctual occupation of certain territories in the name of the rest ; but stood firm to reserve that point in full question to further times and occasions. So as it is left by the treaty in suspense neither debarred nor permitted. The tenderness and point of honour whereof was such, as they that went thither must run their own peril. Nay further his Lordship affirmed that if yet at this time his Majesty would descend to a course of intreaty for the release of the arrests in those parts, *and so confess an exclusion*, and quit the point of honour his Majesty mought have them [the English prisoners in Spain] forthwith released. And yet his Lordship added, that the offences and scandals of some had made this point worse than it was ; in regard that this very last voyage to Virginia, intended for trade and plantation where the Spaniard hath no people nor possession, is already become infamed for piracy : Witness Bingley, who first insinuating his purpose to be an actor in that worthy action of enlarging trades and plantation, is become a pirate, and hath been so pursued as his ship is taken in Ireland, though his person is not yet in hold." ¹

For convenience of comparison with his speech, I will insert here Cecil's memoranda (already mentioned), made some three months before his speech, concerning Challons' "ship taken at sea going to Virginia."

"It seemeth by the journal of the Treaty, that the adventurers into any partes of the [West] Indias, should be

¹ I have no other account of this voyage of Bingley's.

leaft unto the perell which they should incurr thereby. Hereupon groweth this question, what is to be done with the Marryners that are taken in Spaine (being 18 or 20 in number), as they were goeing from the West partes of England to a discovery into Virginia; and what course is to be taken with the Spanish ship dryven into Bourdeaux, which ship was a principal actor in taking the English ship. First it must be considered, that although it is disputeable, whether Virginia be part of the Indias though it be situate upon the same continent of the West Indies; yet for avoiding of the occasion thereby to fall into the generall question of the Indias and our trading thereinto, it might be advised that it were better to leave these prisoners to their fortune, then by bringing it in question to stirr up some greater inconveniences that might ensue of it.

“Secondly, if it be alleadged that they went but to a place formerly discovered by us, and never possessed by Spaine, it may be answered that this allegation altereth not the state of the question but only the forme, whether wee may trade into any partes of the Indias that are not possessed by Spaine which point was then at the handling of the treaty directly denyed by the Spanish Commissioners. All which considered, it may be more aptly stood upon, that these prisoners having not yet offended (unless it be an offense, to be in those seas, which by the law of nations ought to be free *quod navigationem*), but were only going, towards a place, which is yet disputable whether it be allowable or not by the treaty, that in regard thereof, howsoever it may not seeme unjust to have stayd them and diverted them from their journey; yet it seemes to be unjust so rigourously to punish them for it, as to committ their bodys to prison, and to take away their goodes. And therefore it may be concluded (under humble correction) that his Majesty may write in their favour, upon the termes aforesaid, to the King of Spaine, or to his Ambassador there: and may geve order to his Ambassador in France,

to insist to demand Justice against the Spanish ship at Bourdeaux that tooke and robbed our men at sea, as Pyrats doe.”¹

The controversy over the petition, these prisoners, the English settling in territory claimed by Spain, the terms of the treaty, and over other national questions involved, continued to be carried on before the councils of England and of Spain. The affair may have been conducted in a dilatory manner, but it was done with diplomacy. And, however men may differ in opinion as to the manner and the diplomacy, the important fact remains that the issue over America was fully made in this Parliament between the Anglo-Saxon and the Spaniard, and it goes without saying that the Anglo-Saxon would continue the contest in one way or another, as seemed best to him, until he won the victory and secured a lot or portion in the New World for himself and his heirs.

July 14, the ambassadors of the Low Countries (Dutch), the “silent” allies of England in this movement, arrived in London and were well received on all sides, “insomuch that the Spanish ambassador is ready to burst to see them so graced.”

Challons wrote from prison in Spain on June 26, and again on July 13 to Sir John Popham, which letters reached England and have been preserved.

July 30, the Spanish ambassador in England made his regular report to the King of Spain regarding the Virginia design, in which he tells of the death of Chief Justice Popham, “who was the man who most desired it and was best able to aid it,” and Zuñiga hoped that his death would put an end to the enterprise. But other Anglo-Saxons stood ready to step into his shoes. Destiny was shaping the great movement from the first, and men were only incidents therein.

¹ See, also, Limits of “The Spanish possessions” (*Genesis*, pp. 669–675), which may have been written prior to December, 1609.

II

VIRGINIA,¹ DECEMBER, 1606 — 19TH SEPTEMBER, 1607

*CAPTAIN EDWARD-MARIA WINGFIELD, PRESIDENT OF THE
KING'S COUNCIL*

WHEN making a study of the early voyages to our shores, it is necessary to consider the prevailing winds and the ocean currents,² because the sailing-vessels of those days were dependent on them in these voyages. It will also be interesting to note the ocean outposts, Iceland, the Azores, the Canaries, and the Cape Verde Islands, with respect to the various parts of America. A vessel lying off the west coast of Iceland would naturally drift southwestward, and the Northmen are said to have made voyages to our northern coast at a very early date by this route. Drift from our southern coasts, carried by the Gulf Stream current via the Azores, would tell the dwellers there as plainly as "a man on horseback pointing to the west" could, that there were lands in that direction. And the current and trade-winds off the west coasts of the Canaries and the Cape Verde Islands would naturally carry a vessel to those western lands within about thirty days. Columbus sailed by this route and returned to tell the tale. And it is more than probable that vessels with people from the Mediterranean shore had been carried to the shores of the Gulf of Mexico long before the time of Columbus, never to return to Europe again.

On Saturday, December 30, 1606, the first expedition

¹ I use "Virginia" instead of "America" for the head of the American chapters, because that was the name then used for the por-
tion of America which we are considering.
² See Maury's Charts and the U. S. Pilot Charts of the North Atlantic.

sent out for "The First Colony in Virginia" sailed from London in three vessels, namely, the *Sarah Constant*, Captain Christopher Newport; the *Goodspeed*, Captain Bartholomew Gosnold; and the *Discovery*, Captain John Ratcliffe. There has been some confusion as to the names of the ships. I have given the names as they were given to the ships by his Majesty's Council for Virginia, in their official orders for the voyage, that is, the official and therefore correct names. Captain Christopher Newport had the sole charge and command of the voyage. If he died at sea, the masters of the vessels were to carry them to the coast of Virginia. January 15, 1607, they anchored in the Downs; "but the winds continued contrarie so long, that we were forced to stay there sometime, where we suffered great storms, but by the skillfulness of the Captain we suffered no great loss or danger." They left the coast of England about the 18th of February. On the 22d they saw "a blazing star" (a comet, an ill omen), and soon after there was a storm. They reached the southwest part of the Great Canaries late in February or early in March. Here they remained several days taking on wood and water, and then sailed for Virginia via the West Indies. About March 21, there were rumors of a mutiny by Stephen Galthropp, Captain John Smith, and others, of which we have no detailed account; but we know that Newport had ample authority in such matters at sea. Smith tells us that he was restrained as a prisoner (unjustly) on account of this mutiny until June 20.

The vessels anchored at the island of Dominico, April 3, where the emigrants remained until the 5th; on the 6th they viewed the celebrated "boiling spring" in Guadeloupe, and that night landed on the Isle of Mevis, where Newport spent six days "to wood and water and refresh his men." When they reached Mona on April 17, the water, taken on at Mevis, "did smell so vildly" that they were obliged to throw it out and refill the casks on this island. April 20 they set sail and "disimboged out of the West Indies,"

through "the Mona passage" (still used), sailing northerly for Virginia. As a matter of fact, from the anchoring at Dominico to the sailing from Mona was about seventeen days; but during this time they had sailed over 600 miles toward Virginia, and had spent the greater portion of their time while on shore in taking on water or doing other necessary things. There was no really unnecessary delay.

May 1 there was a vehement tempest, which carried the captain beyond his reckoning so that they had "to tackle back," sounding their way, on May 2, 3, 4, and 5.¹

On Sunday, ^{April 26}_{May 6}, "about foure a clocke in the morning we descried the land of Virginia: the same day wee entred into the Bay of Chesapioc directly without any let or hinderance; there wee landed and discovered a little way, but wee could finde nothing worth the speaking of, but faire meadowes and goodly tall trees, with such fresh-waters running through the woods, as I was almost ravished at the first sight thereof." There can be little doubt but that their first act on landing, the day being Sunday, was to have the services of their church and to render their thanks to Almighty God.

The voyage from the Downs to Cape Finistère is dependent on a favorable wind, which frequently has to be waited for. This was the only unreliable part of the route selected by Newport; but under favorable circumstances it might be sailed over in ten days. The ocean routes to America *north* of the Sargasso Sea, "that vast and trackless waste, so long unexplored by the hardiest sailors," had to be sailed "in the windes eye, and the set of the current, a thing almost impossible" for the sailing-vessels of those days. From off the cape the route *south* of the Sargasso Sea was a natural one. There is a current, and a fairly constant wind, toward the Canary Islands, southward of which ships enter the regular trade-wind belt, in which the winds and currents are stronger near the centre, through

¹ So the vessels were not driven into the bay by this storm, the following four days being calm.

which a sailing vessel will be carried from the Canaries to the West Indies in from twenty to thirty days, and thence through the Mona passage, or the Florida passage, via the Gulf Stream to Virginia in from fifteen to twenty days. The longest way around is sometimes the nearest way to our destination. It is the same route by which the same vessels, under competent commanders, would now sail. It is neither old nor new, because it is eternal. It is God's route, made by Him, by which both *Christopher* Columbus (the bearer of the religion of Rome) and *Christopher* Newport (the bearer of the religion of England) brought their ships to these shores. The parallels between these expeditions are interesting. Both commanders bore the same name, which means "bearing Christ," an object of both. Both commanded three ships, came the same route, and connected with both there is an indefinite account of a mutiny at sea.

At night, on May 6, when the English were going aboard, the Indians made an attack on them, wounding Captain Gabriel Archer and Matthew Morton. That night the box containing the "several instruments close sealed" was opened, and the orders read, in which Bartholomew Gosnold, Edward Maria Wingfield, Christopher Newport, John Smith, John Ratcliffe, John Martin, and George Kendall were named to be "His Majesties Council for the first colony in Virginia." We have the orders of his Majesty's Council for Virginia for the voyage and at their landing, and also their instructions for the colony after landing; but the order appointing his Majesty's Council for the first colony in Virginia has not been found. As this council's authority did not begin until they had landed in America, to prevent a possible conflict of authority between the officers of the voyage and the land officers, the order was not to be known (opened) until its legal efficacy began. This plan had been found to be a necessary precaution against a conflict of authority by the East India and Russia companies, and doubtless the idea had been derived from those companies.

May 7, they began to build up their shallop. They ate some oysters in Lynnhaven Bay "which were very large and delicate in taste."

May 8, they launched the shallop, and Captain Newport and some gentlemen went in her, and discovered up the bay, under the advice given to them by His Majesty's Council. Entering James River (which they named for their king) on the south side, they were disappointed in finding the water so shallow as to put them out of all hopes for getting any higher with their ships; but towards night they rowed over to a point of land, where they found an excellent channel, which put them "in good Comfort. Therefore they named that point of Land, Cape Comfort."

May 9, they set up a cross at Chesupioc Bay, claiming the land for the crown of England, and named that place Cape Henry, for Henry, Prince of Wales, a patron of the voyage.

May 10, they brought their ships into the river at Cape Comfort, and Newport, causing the shallop to be manned, rowed to the shore. "Leaving ten men as centinel at the river's mouth," they went to Kecoughtan, and so on from day to day along up "King James, his river, looking for a suitable seating place;" the ships following after the shallop with the tide, and Newport sometimes going back to them for the night.

May 14, they came to the region where they finally selected their "seating place."

May 18, they were viewing the localities about the mouth of the Appomattox River.

May 22, on their way back to the ships, they discovered a point of land, which they called Archer's Hope, and "if it had not beene disliked, because the ship could not ride neare the shore, we had settled there to all the colonies contentment." There was some contention here between the advocates of this site and that of the future Jamestown; but the latter site was finally decided upon.

May 23. The ships came up — on the evening tide, I suppose — to the place selected for their seating place in

the Paspilha country, some eight miles from Archer's Hope, "where our ships do lie so near the shore that they are moored to the trees in six fathom water."

May $\frac{1}{2}4$, "we landed all our men which were set to work about the fortifications, and others some to watch and ward, as it was convenient."

"After much and weary search (with their Barge coasting still before, as Virgil writeth Æneas did, arriving in the region of Italy called Latium, upon the bankes of the River Tyber) in the country of a Warawance called Wowinchapuncka (a ditionary to Powhatan) within this faire River of Paspilheigh, which we have called the King's River, they selected an extended plaine and spot of earth, which thrust out into the depth and midst of the channell, making a Kinde of Chersonesus or Peninsula. The Trumpets sounding, the Admiral strooke saile, and before the same, the rest of the Fleet came to an ancor, and here to loose no farther time, the colony dis-imbarked, and every man brought his particuler store and furniture, together with the generall provision ashore: for the safety of which, as like-wise for their own security, ease and better accomodating, a certaine canton and quantity, of that little halfe Island of ground was measured, which they began to fortifie, and thereon in the name of God to raise a Fortresse, with the ablest and speediest meanes they could."

They named their town, or fort, in honor of their king, James-town or James-fort. It was located "on the north side of King James, his river, as is London upon the River of Thames."

It seems quite certain that Newport landed here May $\frac{4}{14}$, from his shallop, while on his exploring voyage up the river, and that the actual landing of the colony was on May $\frac{1}{2}4$. The custom of celebrating May $\frac{5}{13}$ is probably due to Smith's history. This history, which uses the old style date, states that Newport left Jamestown, June 15, when we know that the correct date was June 22, and that its dates are frequently wrong and not as safe to be relied

on as Percy's. But it does not really differ from Percy on this point. It simply says, "Untill the 13 of May they sought a place to plant in, *then* [i. e. *after that*] the councell was sworne [$\frac{1}{2}\frac{1}{4}$ th], M. Wingfield was chosen President, & an oration made, whie Captaine Smith was not admitted to the Councell as the rest."

The oath taken by "his Majesties Counsel for the first Colony to Virginia" is somewhat similar to that taken by the King's Council of Virginia, which appointed them, and the seals for these two royal councils were also much alike. It was ordained under the king's form of government that his Council in Virginia "shall by the major part of them, choose one of the same council, not being the minister of God's word, to be president of the same Council and to continue in that office, by the space of one whole year, unless he shall in the meantime dye or be removed from that office; and we do further hereby establish and ordain, that it shall be lawful for the major part of the Council, upon any just cause, to remove the President, or any other of that Council, from being either President, or any of that Council." This clause was one of the objections to the king's form of government. It destroyed the authority of the president, who was really a creation and a creature of "the Major part," an object for them to lay the blame on when affairs did not go smoothly; and while the authority was really in the hands of the majority there was no stability about it whatever. It was a faction-breeding form of government throughout, and it continued to breed factions so long as it remained in force in Virginia. The necessity for changing it must have been soon evident to the managers. A stable and strong government was at first essential to the final success of the movement. On the other hand, the orders of the King's Council of Virginia (the managers) for the voyage and their advice for the colony after landing are, considering all things, excellent.

The first night after their landing, about midnight, some savages came prying at them. The evil eye of the Indian,

although sometimes pretending friendship, kept the English constantly within its sight, looking for any opportunity to do them harm, for many years. May 28, the werowance of Paspaha came himself with one hundred armed savages; he made great signs to the English to lay their arms away; but they would not trust him so far. The Indians, who are by nature cunning, were not ignorant of the danger from European arms. They told the French in Florida in 1565: "Our women are afraid when they see the matches of your guns burning. Put them out, and they will bring the corn faster." On the 30th the same werowance sent forty of his men with a deer as a present, and "they faine would have layne in the Fort all night;" but the English would not trust them.

May 31, leaving the rest at Jamestown, building, fortifying, preparing ground and sowing corn, etc., Newport took George Percy, Gabriel Archer, John Smith, John Brooks, and Thomas Wotton, gentlemen; Francis Nelson, John Colson, Robert Tyndall, and Mathew Fytch, mariners; and Jonas Poole, Robert Markham, John Crookdeck, Oliver Brown, and ten other sailors, and went with them in his shallop to discover up the river as advised to do by the King's Council for Virginia. This expedition is generally called "one of Captain Smith's exploring expeditions;" but Smith was still restrained as a prisoner, being under the charge of Newport. They reached a low meadow point about thirteen miles from Jamestown, that night, which they called Wynauk. The next day they passed up some sixteen miles to an islet which they called Turkey Island (Turkey Island Bend). Here an Indian, with pen and ink given him by Archer or Tyndall, laid out the whole river, so far as passage was for boats. "A great distance of, were the mountains Quirauk [the Blue Ridge], as he named them; beyond which, by his relation is that which we expected," that is, the South Sea. They rested that night at a place about twenty-two miles farther up the river, which they called "Poore Cottage" or "Port Cot-

tage." June 2, they feasted with the werowance Arahatec, in the country Arahatecoh, at a place they called Arahatec's Joy. At all their meetings since their landing at Kecoughtan, the Indians had always danced for them and taken tobacco with them. "They were so ravisht with the admirable sweetnesse of the streame, and with the pleasant land trending along on either side, that their joy exceeded, and with great admiration they praised God." They were in every way delighted with the river. Percy wrote, "if this river, which we have found, had been discovered in the time of Warre with Spaine, it would have been a commoditie to our Realme and a great annoyance to our enemies." Some ten miles above Arahatec's Joy they came to "the second islet in the river [Drewry's Island], over against which, on Popham side, on a high hill, is the habitatyon of the great Kyng Pawatah, which they called Pawatah's Tower." The English called the north side of the river "Popham Side," for Chief Justice Popham, the patron of the northern colony; and the south side of the river "Salisbury Side," for the Earl of Salisbury, the prime minister of England and patron of the southern colony. Some three miles above the islet they came to an overfall of water, which the Indians called Paquachowng, long known to the colonists as "The Falles," and to us as the site of Richmond, the head of tidewater. June 3 (Whit Sunday), they "feasted King Pawatah giving him beer, aqua vite and sack to drink. After dinner Captain Newport, upon one of the little ilets at the mouth of The Falls, set up a crosse with this inscription: IACOBUS, REX, 1607, and his owne name belowe." At the erecting thereof, they prayed for their King and for their own prosperous success in this his action, and then proclaimed his Majesty king of the country "withe a greate showte." That night they returned to Arahatec's Joy, where they found the king suffering from the effects of their "hot drinks;" but he was all right the next morning. Here, and elsewhere, Newport and Tyndall took observations for the latitude of the place, and notes

for a "draughte of our River." The accounts of their personal experiences on the voyage down the river are very interesting. They contain little of historic importance, however, save the accounts of the acts of the Indians, their ornaments of copper, pearl, etc. They reached Jamestown on June 6, where they learned what follows: "After the departure of Newport's expedition, on May 31st, the Indians seldom frequented the fort save by one or two, now and then, practising upon opportunity in the absence of a part of the colonists; on the day before their return [the Indians evidently knew when they would return, having been kept posted by runners] there came above two hundred Indians with their King, and gave a very furious assault to the fort; endangering their overthrow, had not the ship's ordinance, as well as the small shot of the colonists, daunted them. They came up almost into the fort; shot through the tents; appeared in this skirmish (which endured hot about an hour) a very valiant people. They killed a boy and wounded eleven men (whereof one died after); yet perceived they not this hurt in us. We killed dyvers of them; but one wee sawe them tugg of on their backs, and how many hurt we knowe not. A little after, they made a huge noise in the woods; which our men surmised was at the burying of their slayne men." During the skirmish "The Counsell stood in Front, in mayntayning the forte, and four out of the five present were wounded, [Gosnold, Ratcliffe, Martin, and Kendall] and our President, Mr. Wingfield (who shewed himself a valiant gentleman), had an arrow shott cleane through his bearde, yet escaped hurte."

June 6, Newport caused his seamen to aid the emigrants in completing their fortifications.

June 7, "we laboured pallozadoing our Forte." The Indians were still lurking about; on the 8th they killed one of the English dogs; on Sunday, the 10th, they shot Mr. Eustace Clovell (who afterwards died of his hurt).

Rev. Mr. Hunt had been reading the service and preach-

ing a sermon every Sunday. May 10, on account of the delay caused by the alarm of the Indians, the day was far spent when their divine service was ended. And the minister asked the president if it were his pleasure to have a sermon, and Wingfield replied that "the men were weary and hungry, and if it pleased him, we would spare him till some other time." In after-times, when Wingfield's religion was called in question, he was blamed for not having a sermon as well as the service, every Sunday. In his reply he makes the above explanation, and adds that "he never failed to take such notes in writing of Mr. Hunt's sermons as his capacity could comprehend."

The last advice given the colonists by the King's Council for Virginia was : —

"Lastly and chiefly the way to prosper and achieve good success is to make yourselves all of one mind for the good of your country and your own, and to serve and fear God the Giver of all Goodness, for every plantation which our Heavenly Father hath not planted shall be rooted out."

We find nothing at variance with this until the factions began. After that the narratives are frequently filled with bickerings, belittlings, criticisms, faultfindings, etc. I have no doubt but that the first services of the Church of England, both at Cape Henry and at Jamestown, were held under the canopy of heaven. After that they may have been held under a sail until the chapel was built. But I do not believe that it was "an old rotten sail," for these men had just come up from the sea in ships, they had seen the power of God, and were filled with reverence and respect for his gospel, and the best they had was none too good for its observance. The conversion of the savages was their principal end, and their first object was to preach the gospel among them, and baptize them into the Christian religion.¹

The Indians continued to hover around the fort. The English continued to work on their fortification, to make clapboards and to set corn. June 16, the company peti-

¹ See, also, *The Genesis of the United States*, p. 67.

tioned the Council for reformation of sundry inconvenient courses. June 20, after an appeal from Newport, the petition was granted, and the whole company confirmed a faithful love one to another, and in their hearts subscribed an obedience to our superiors. "Capt. Smith was this day sworne one of the Counsell, who was elected in England." The next day the "Articles and orders for gentlemen and soldiers [which had been petitioned for] were read upon the Court of Garde, and content was in the quarter."

June 23, Matthew Fitch, mariner, was wounded by the Indians.

Monday, June $\frac{1}{2} \frac{5}{5}$. "We had built and finished our fort, which was triangle-wise, having three bulwarks at every corner like a half moone, and four or five pieces of artillerie mounted in them, we had made ourselves sufficiently strong for these savages. We had also, sowne most of our corn."

The side of the fort facing the river and landing was 420 feet long, the other two sides 300 feet each. The bulwarks were for from three to five guns each. In the market-place was the "Corps du Gard," the chapel and storehouse. The houses faced the palisades, with a street between.

June 26, two savages on Salisbury side of the river tried to lead Captain Newport into an ambuscade.

July 1, Sunday, "wee had a Comunion. Capt. Newport dyed ashore with our dyet and invyted many of us to supper as a farewell."

Among the commodities carried to England at this time, it seems, was a small sample of real gold, and a barrel of "Fool's-gold." Captain John Martin was held responsible for this mistake. He was a son of Sir Richard Martin, a goldsmith and master of the mint of England. He had had some practical experience in matters of this kind, but it seems that he was mistaken in whole, or in part, as to the mineral sent over. As to no other mineral have the reports of real experts been so often incorrect, the one way or the

other. When the reports of the South African gold-fields reached the Rothschilds, they sent an authority of the highest class there, and he reported to his principals that there was no gold in the region. Martin's error was not so bad as that. He had been selected as one of the officers in the celebrated Drake-Sidney voyage to America (1585), and had been with Gosnold on our northern coast at "Martin's (or Martha's) Vinyard."

Newport carried with him to England the first report of "His Majesties Counsel for the first Colony to Virginia to His Majesties Counsel for Virginia in England"; the first "Relatyon of the Discovery" up James River; the first descriptions of the river, of the country and of the people; letters from Robert Tyndall to Prince Henry, George Percy to Mr. Warner, a Dutchman to John Pory, William Brewster to the Earl of Salisbury, etc.; Tyndall's "dearnall of our voyage" and "draughte of our River." I am now inclined to think that Tyndall's "dearnall of our voyage" is really "the Relatyon of the voyage up James River." The following has never been printed before: —

WILLIAM BREWSTER TO THE EARL OF SALISBURY.

"SIR — it had byne my duty to have wroot the whoole jorney unto you, & so I would have done had not this our evar renowned Captayne, Captayne Newport, have come himselfe unto you, whoe will so justly and truly declare, better than I cane, all this his discoverye. This is all I will saye to you, that suche a Baye, a Ryvar, and a land, did nevar the eye of man behould; and at the head of the Ryvar, which is 160 myles longe ar Rokes & mountaynes, that prommyseth Infynyt Treasure, but our Forces be yet too weake, to make further discovery: Nowe is the King's Majesty offered, the most statlye, Riche Kingdom in the woorld, nevar posseste by anye Christian prynce; be you one meanes amonge manye to further our secondinge, to conquer this land, as well as you were a meanes, to further the discovery of it: and you, yet maye lyve to see England,

moore Riche & Renowned, then anye Kingdom, in all Euroopa — ”

[The rest of the letter is cut off. I infer that the portion cut off contained information which Cecil did not wish made public.]

Cecil papers, 124-17—. Indorsed, “A part of a Letter of William Brewster, gent, from Virginia.”

The first “Relatyon of the Discovery” up James River is not reprinted in “The Genesis of the United States;” but I have made liberal use of it in compiling this chapter. Descriptions printed years after the country had been thoroughly discovered are naturally more complete; but the actual first impressions are more interesting, therefore I will reprint the first “description of the now-discovered river and country of Virginia; with the liklyhood of ensuing riches, by England’s aid and industry.”

“This river (we have named our King’s River) extends itself a hundred and sixty miles into the main land, between two fertile and fragrant banks, two miles, a mile, and, where it is least, a quarter of a mile broad; navigable for shipping of three hundred tuns, a hundred and fifty miles; the rest deep enough for small vessells of six foot draught. It ebbs and flows four foot even to the skirt of an overfall: where the water falls downe from huge great rocks, making in the fall five or six severall ilets, very fit for the building of water-mills thereon. Beyond this not two days’ journey, it hath two branches, which come through a high, stoney country from certain huge mountains called Quirauk [the Blue Ridge]; beyond which needs no relation (this from the overfall was the report and description of a faithfull fellow, who I dare well trust upon good reasons). From these mountains Quirauk come two less rivers [the James and the Rivanna], which run into this great one; but whether deep enough for ships or no, I yet understand not. There be many small rivers or brooks, which unlade themselves into this

main river at several mouths ; which veins divide the savage Kingdoms in many places, and yield pleasant seats in all the country over by moistening the fruitfull mould. The main river abounds with sturgeon — very large, and excellent good ; having also, at the mouth of every brook and in every creek, both store and exceeding good fish of divers kinds ; and in the large sounds near the sea are multitudes of fish, banks of oysters, and many great crabbs, rather better in taste than ours ; one able to suffice four men. And within sight of land, into the sea, we expect at [the right] time of the year to have a good fishing for cod ; as both at our first entering we might perceive by palpable conjecture, seeing the cod follow the ship, yea, bite at the . . . ; as also out of my own experience, not far of to the northward, the fishing I found in my first voyage to Virginia.

Many small rivers.

Sturgeon.

Multitudes of fish.

Cod-fish.

“ This land lieth low at the mouth of the river, and is sandy ground, all over besett with fair pine-trees ; but a little up the river it is reasonable high ; and, the further we go (till we come to the overfall) it still riseth increasing. It is generally replenished with wood of all kinds, and that the fairest, yea, and best, that ever any of us (traveller or workman) ever saw ; being fit for any use whatsoever, — as ships, houses, planks, pales, boards, masts, wainscott, clapboard, for pikes or else what.

The land's description.

Lowland.

Full of wood.

“ The soil is more fertile than can be well expressed. It is altogether aromatical, giving a spicy taste to the roots of all trees, plants, and hearbs ; of itself a black, fat, sandy mould, somewhat slimy in touch, and sweet in savour ; under which, about a yard, is in most places a red clay fit for brick ; in other, gravel stones and rocks. It hath, in diverse places, fuller's earth, and such as comes out of Turkey, called *Terra sigillata* [ochre]. It produceth, of one corn, of that country wheat, sometimes two or three stems or stalks, on which grow ears above a span

A fruitfull soil.

long, beset with corns, at the least three hundred upon an ear ; for the most part, five, six and seven hundred. [Indian corn was a marvel to many of the English, it was so different from their wheat.] The beans and peas of this country have a great increase also : it yields two crops a year. Being tempered, and time taken, I hould it nature's nurse to all vegetables ; for, I assure myself, no known continent brings forth any vendible necessities which this, by planting, will not afford. For testimony in part, this we find by proof : from the West Indies we brought a certain delicious fruit, called a *pina* ; which the Spaniard, by all art possible, could never procure to grow in any place but in his natural site. This we rudely and carelessly set in our mould, which fostereth it, and keeps it green ; and to what issue it may come, I know not. Our West-Indy plants of oranges and cotten-trees thrive well ; likewise the potatoes, pumpions, and melons. All our garden-seeds that were carefully sown prosper well ; yet we only digged the ground half a . . . deep, threw in the seeds at randome, carelessly, and scarce racked it.

“ It naturally yields mulberry-trees, cherry-trees, vines abundance, goosberys, strawberys, hurtleberys, respesses [raspberries], ground nuts, scarretts, the root called *Sigilla christi*, certain sweet thin-shelled nuts, certain ground apples a pleasant fruit and many other unknown. So the thing we crave is some skillfull men to husband, set, plant, and dress vines, sugar-canes, olives, rapes, hemp, flax, licoris, pruinis, currants, raisons, and all such things as the north tropick of the world affords ; also saffran, woad, hoppes, and such like.

“ The comodities of this country, what they are *in esse*, is not much to be regarded ; the inhabitants having no commerce with any nation, no respect of profit ; neither is there scarce that we call *meum et tuum* among them, save onely the Kings know their own territories, and the people their several gardens. Yet this, for

The rubish
this land
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The likly-
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Profit by
industry.

The country
comodities.

the present, by the consent of all our seamen : merely our fishing for sturgeon cannot be less worth than a thousand pounds a year, leaving herring and cod as possibilities. Sturgeon.

“ Of clapboard and wainscot (if ships will but fetch it) we may make as much as England can vent. We can send (if we be friends with the savages, or be able to force them) two, three, four, or five thousand pounds a year of the earth called *Terra sigillata*; saxafrage, what store we please; *tobacco*, after a year or two, five thousand pounds a year. We have (as we suppose) rich dyes, if they prove vendible, worth more than yet is nominated; we have excellent furs, in some places of the country great store; we can make pitch, rozen and turpentine. There is a gum which bleedeth from a kind of maple (the bark being cut), not much unlike a balsam both in scent and vertue; apothecary-drugs of diverse sorts, some known to be of good estimation, some strange, of whose vertue the savages report wonders. We can, by our industry and plantation of comodious merchandize, make oils, wines, soap-ashes, wood-ashes; extract from mineral-earth, iron, copper, &c. We have a good fishing for muskles, with reasonable mother-of-pearl; and, if the pearl we have seen in the Kings’ ears and about their necks come from these shells, we know the banks. Terra sigillata.
Saxafrage.
Tobacco.
Dyes.
Furrs.
Pitch.
Rozen.
Turpentine.
A maple gum.
Wisacan or Virginia blood-wort, which heals poisoned wounds.
Oils.
Wines.
Soap-ashes.
Iron.
Copper.
Pearl-muskells.

“ To conclude, I know not what can be expected from a comonwealth that either this land affords not, or may soon yield.”

“ A BRIEF DESCRIPTION OF THE PEOPLE.”

“ There is a King in this land called Great Pawatah, under whose dominions are at least twenty severall Kingdomes, yet each king is potent as a prince in his own territory. These have their subjects at so quick command, as a beck brings obedience, even to the restitucon of stolen

goods ; which by their natural inclination, they are loth to leave. They go all naked, save their privities ; yet, in cool weather, they wear deer-skins, with the hair on, loose. Some have leather stockings up to their twists, and sandalls on their feet. Their hair is black generally, which they wear long on the left side, tyed up on a knott ; about which knott the Kings and best among them have a kind of coronett of deer's hair colored red. Some have chains of long, linckt copper about their necks, and some chains of pearl. The comon sort stick long fethers in this knott. I found not a gray eye among them all. Their skin is tawny ; not so borne, but with dying and painting themselves, in which they delight greatly. The women are like the men, only this difference, — their hair groweth long all over their heads, save clipt somewhat short afore. These do all the labour, and the men hunt and go at their pleasure. They live comonly by the waterside, in little cottages made of canes and reeds, covered with the bark of trees. They dwell, as I guess, by families of kindred and alliance, some forty or fifty in a hatto or small village ; which towns are not past a mile or half a mile asunder in most places. They live upon sodden wheat, beans, and peas, for the most part ; also they kill deer, take fish in their weares, and kill fowl abundance. They eat often, and that liberally. They are proper, lusty, straight men ; very strong ; run exceeding swiftly. Their fight is always in the wood, with bow and arrows, and a short wooden sword. The celerity they use in skirmish is admirable. The King directs the battle, and is always in front. Their manner of entertainment is upon mats on the ground, under some tree, where they set themselves, alone, in the midst of the mat ; and two mats on each side, on which their people sit : then, right against him (making a square form) sat we always. When they come to their mat, they have an usher goes before them ; and the rest, as he sits down, give a long shout. The people steal anything comes near them ; yea, are so practiced in this art, that looking in our face, they would with

their foot, between their toes, convey a chisell, knife, percer, or any indifferent light thing; which, having once conveyed, they hold it an injury to take the same from them. They are naturally given to treachery, howbeit, we could not find it in our travel up the river, but rather a most kind and loving people. They sacrifice tobacco to the sun, a fair picture, or a harmfull thing, — as a sword or [snap-haunce-]piece; also they sprinkle some into the water in the morning before they wash. They have many wives; to whom, as near I could perceive, they keep constant. The great King, Pawatah, had most wives. These they abide not to be touched before their face. The great disease reigns in the men generally, full fraught with noodes, botches, and palpable appearances in their foreheads. We found above a hundred. The women are very cleanly in making their bread and prepareing meat. I found they account after death to go into another world, pointing eastward to the element; and, when they saw us at prayer, they observed us with great silence and respect, especially those to whom I had imparted the meaning of our reverence.

“To conclude, they are a witty and ingenious people, apt both to understand and speak our language. So that I hope in God, as he hath miraculously preserved us hither from all dangers both of sea and land and their fury, so he will make us authors of his holy will in converting them to our true Christian faith, by his own inspiring grace and knowledge of his deity.”

Monday ^{June 22}/_{July 2}, in the morning Captain Newport in the Admiral (the Sarah Constant) departed from James Port for England — “for whose good passage and safe return they made many prayers to their Almighty God.” The Goodspeed also returned at this time. The Discovery, a pinnace of about twenty tons, was left in the colony. This bark was too small to carry more than twenty-five with provision for the voyage. Yet the King’s Council of Virginia had instructed the Council in Virginia: “You must take

order to draw up the pinnace, that is left with you, under the fort, and take her sails and anchors ashore, all but a small kedge to ride by, least some ill disposed persons slip away in her."

Captain Newport left one hundred and four persons in Virginia, and promised to return with supplies for them in November.

An Indian came to Jamestown on July 5, from the Great Powhatan, whom the colonists now heard of definitely for the first time, offering them an Indian peace. This was the chief of the Powhatan Indians, whose name was "Wahunsenacawh." He dwelt some ten miles from Jamestown on the present Putnam (Poetan) Bay of York River. The name of the "wyroance" who lived near "Captain Newport's Falls" (who was under this great Powhatan, and whom the colonists afterwards called "the Little Powhatan"), is not certainly known, but it was probably "Mohominge."

About July 13, "divers of our men fell sick," and during the sickly season of July, August, and September, all were sick and over fifty died. This must have been a great shock to the emigrants, who had at first thought the climate so healthy. The true state of the case, although it was not at first acknowledged, must have been suspected by many from this first experience. It was certainly known to the managers within the course of a few years, and they were obliged, in the interest of the enterprise, to conceal the fact, to shoulder blame which they did not deserve, and to smooth the trouble over in various ways, while their enforced silence gave to others, for personal or other reasons, an opportunity to attribute the death rate either to some fault of their management in England, of the sailors *en route* and in Virginia, or of the planters themselves.

The number of newcomers to die during "the seasoning period," as will be seen in the following pages, was sometimes more than sixty in one hundred, sometimes less; and, although at times we have no definite record, we have sufficient to enable us to know that this figure was not far

from the average death rate among newcomers until after the land was somewhat cleared and drained. Of course the number of those who had become "seasoned" (as they called it) or acclimated was constantly increasing. And although for manifest reasons this class contended "that no place hath a more pleasant ayre then Virginia," the fact was, as Hagthorpe replied, "And so may that same ayre seem fresh to the senses wherein we draw the pestilence," etc.

In order to do justice to our founders we must look at the real difficulties just as these then confronted them in England, *en route*, and in Virginia, in Spain, in France, etc. They cannot be fairly judged on partial accounts, or mere personal and partisan criticisms, whatever the motive. The difficulty in Virginia was not the climate only. The wary, cunning savages were there within their native wilds and woods. They were apt to pretend an especial friendship when plotting an especial mischief, and no one at all familiar with the Indian character can read the numerous contemporary accounts without being convinced that they were really the enemies of the English from the first — continuing to hamper them in almost every way, and to kill them at every favorable opportunity. To contend against a people who have always lived in savage freedom, and who enjoy strength and vigor amid the deadly miasma which killed the English like a shot, was not mere child's play. The difficulties which had to be met and overcome in Europe, in America, and at sea, cannot be overestimated; and those who devoted their lives to meeting these difficulties, until the task was accomplished, cannot be honored too much by their posterity.

September 1, Captain Bartholomew Gosnold died, and after this the dissensions and factions began, which continued as a difficulty so long as the king's form of government remained in force in the colony. In the beginning of the contentions, Captain George Kendall was removed from the council by the other councilors and put in prison.

September 7, Thomas Studley, the cape-merchant (or cap-merchant — the head merchant — of the colony for procuring provisions, etc., and venting commodities), died, “and shortly after it pleased God (in our extremity) to move the Indians to bring us halfe ripe corn, to refresh us.” All accounts agree that for some reason the Indians did daily relieve them for some weeks with corn and flesh. The supplies brought from England had been nearly exhausted; the colonists had been too sick to attend to their gardens properly, and this act of the Indians was regarded as a divine providence at that time. All of the council, who were well enough to do so, traded with the Indians, and Captain John Smith, who was now acting as cape-merchant, was especially active. What was the real motive for the kindly acts of the Indians may not be certainly known; but it probably boded the little colony a future harm.

III

ENGLAND, AUGUST, 1607 — APRIL, 1608

ROBERT CECIL, EARL OF SALISBURY, PRIME MINISTER

CAPTAIN NEWPORT arrived at Plymouth on his way from Virginia on Wednesday, August 8, 1607, and at once wrote to Cecil making his first report to him. On Friday following he sailed from Plymouth for London. Gorges wrote to Cecil on August 17, telling him of Newport's good report of South Virginia, and urging the necessity for the colony there to be royally seconded with all the haste possible. He then thanks Cecil for his care for the release of the prisoners in Spain, and the rest of his letter relates to them.

Newport sailed up the Thames on or about August 18; he brought with him the first documents written by Anglo-Saxons on the banks of James River in America; he made a favorable report of the country to the King's Council of Virginia, and Sir Walter Cope, a member of that council, at once wrote the Earl of Salisbury: —

“RIGHT HONORABLE MY GOOD LORDE — If we maye beleve ether in words or letters, we are falne upon a lande that promises more then the lande of Promise. Insteed of mylke we fynde pearle — and golde insteede of honye. Thus they say, thus they wryte — but experyence the wysest Scoole-mistress must leade your Lordship, whose wysedom teaches to be of slow beleffe. Upon thys Tryall I presume you will buylde. Ther is but a barrell full of the earth, but ther semes a Kingdome full of the oare. You shall not be fedd by handfulls or hatfulls, after the Tower measure, But the Elsabeth Jonas & the Tryumpe & all the ships of honor may here have their bellyes full —

for in all their fortyfycations, after two turfs of earth — This sparmer or oare apeareth on every parte as a solid body, a Treasure endlesse proportioned by God acordinge to that Sufferaignes harte that rewards everyone & knows not how to say naye.

“ I could wyshe your Lordship were at the tryall and if it shall be as the proverb says *aureos pollicere montes*. Then that his Majestie may undertake the honor of it and proportion our shares as in your wysedoms may be thought fit. — If not, that your word and presence may comfort the poor citizen of London who with a little help would adventure much more in this most hopefull dyscoverye —

Sir Thomas Smith, ther governor, says this is trewe, and presumes it may be easily converted from India to Virginia. A word of thanks for his care and diligence were well bestowed in your Lordships next letters. — They now seek this of themselves.

And hereby the waye give me leave to inform you, that there be 50 citizens who have allredy subscribed to adventure 500£ a peece in a present voyage to the East Indyas. I am verily perswaded that upon your Lordships mediation, in his Majesties name, these adventurs may easily be converted to this speedy supply, which might well stay for his Majesties leasure and better means, but that in the mouth of this Ryvere ther is a place so fortyfyed by nature, that if the Spaniard, who will starte upon this alarum, recover this place before us, Thys action is utterly overthrowne, and I am credibly informed that one Captain Hazell, who upon Lanier's information, was lately before you in Whitehall Garden, hath gotten away Captaine Waymouth, a man best experienced in those coasts, and they are as far as Deale Castle outward in ther way towards Spayne. I pray God they may be stayed least we repent ther going too late. —

“ To prove ther is gold, your Lordship's eyes I hope shall witness — To prove ther is pearl ther King of Pamont came with a cheyne of pearl about his neck — burnt thorow with great holes and spoiled for want of the art to bore them, and shewed them shells from whence they were taken. Pohatan another of ther Kings came stately marching with

a great payre of buck's hornes fastened to his forehead, not knowing what esteeme we make of men so marked. For the rest I humbly leave your Lordship to Captaine Newport, whose honesty and good deserts I have known many years."

The following are postscripts to the letter : —

"The people used our men well untill they found they began to plant and fortify — Then they fell to skirmishing & kylled 3 of our people."

"We showed the experyenc made [the assay made by Captain John Martin in Virginia?] to one Beale, an excellent tryer of minerals, who says the trial was ignorantly made, the earth not half tried — for if it had it would have turned black and the gold run together in the bottom. That this holds 1200^{li} in the Tonn. That ther is more in the pot, and he verily thinks it will yeald 2,000^{li} at the least in the Tonn," say \$45,000 present values.

"By Salisbury shoare, you must pass to James Towne."

"Ther is clappbord come fit, as I hear, to make wainscot. If your Lordship praye Captaine Newport to have the choyse, it will save you half in half."

"One of ther Kings sick with drinking our aqua vite, thought himself poisoned. Newport told him by signes that the next day he shoulde be well, and he was so : And telling his countrymen thereof they came a pace, olde men & old women, upon every belliach to him to know when they shoulde be well."

The letter is addressed "To the Right honorable the Earl of Salisbury hys Ma^{tes} Princypall Secretary."

The king was then in Southamptonsire on his western progress. On August 22, he was at Beaulieu the seat of Henry, Earl of Southampton. On the same day Zuñiga wrote to the King of Spain telling him what he had been able to find out regarding the voyage. They (the English) had had it reported to him that they were "not over well pleased with the country," etc.

On the same day Sir Walter Cope wrote as follows to the Earl of Salisbury : —

“SR. It hath ever bene Incydent to the Secretaryes place, to Receave with the same hande, bothe the good & the badd newes. Thys other daye we sent you newes of golde, and thys daye, we cannot returne you so much as Copper. Oure newe discovery ys more Lyke to prove the lande of Canaan then the lande of Ophir. Cominge thys daye to seale up under our Seales, the golden minerall till your Returne. It apeared at sight so suspyceyous, that we were not satysfied untill we hadd made fowre Tryalls by the best experyenced abowte the cytye. In the ende all turned to vapore, & Martyne hath cosyned the pore Capitaine [Newport], the Kinge & State, & meant as I heare to have cosyned hys owne father, seeking by thys temptation to have drawen hys father to have made over unto him somm supplyes, which otherwyse he dowed never to procure. — Yet the wholl companye metes thys afternowne, abowte the spedye supplyes, which will not be now in such measure as formerly I wysed. — Thus much I thought fytt to advertize before your Lordship showld mete with hys Majestie.”

In justice to Captain John Martin, a son of Sir Richard Martin, the master of the mint, it must be said that Cope let his disappointment get the better of his sense of justice. Martin was deceived himself, so was Beale, and so were others then, and many since have been mistaken in like ways.

In the evening the company met, and although they now had “no hope of any extraordinary consequence, yet only upon report of the *Navigableness* of the *River*, *pleasure*, *fertility* and *scituation* of the land, to their *projected* ends, they freshly and cheerfully determined to send supplies to the colonists as soon as possible.” At the same time Newport did not relinquish his hopes of finding gold.

The king was at Salisbury from August 24 until about September 8, and the earl was probably with him there.

On August 27, 1607, Sir Thomas Smythe wrote to the Earl of Salisbury : —

“Wheras yt pleased your honorable Lordshipe to signifie your desiere to have a speedye dispatche of the shippe intended to be sent to Virginia, and for asmuch as Captaine Newporte doth fynde his error, in not bringinge of the same ore of which the firste tryall was ther made; he is nowe mynded, to take upon hym the presente voyadge againe, and resolves never to see your Lordshippe before he bringe that with him which he confidentlie believed he had broughte before. And for the better and more speedye effectinge the same we thoughte goode to provide a nymble pynnace to accompany the other shippe, wherein he may presently returne; and hopes to be here befor the middle of January next. In which ship and pinnace we intend to send one hundred men and victuals with all necessaries to relieve them that be ther. Which course if it shall please your Lordship to approve of, shalbe presently effected.

“And I humbly rest at the comaundment of your ho^{ble} Lordship.

THO: SMYTHE.”

August 28, Sir Dudley Carleton wrote to Chamberlain, giving him the latest and first news from Virginia, telling him of Newport's return, etc.: “They write much commendations of the air and the soil and the commodities of it; but silver and gold have they none, and they cannot yet be at peace with the inhabitants of the countrie. They have fortified themselves and built a small towne which they call Jamestowne, and so they date theyr letters, but the town me thincks hath no gracefull name and besides the Spaniards who think it no small matter of moment how they stile theyr populations will tell us I doubt, it comes too neere Villiaco.

“One Capt Waiman [Weymouth] a special favorite of Sir Walter Cope's was taken the last week in a port in Kent shipping himself for Spain, with intent as is thought to have betrayed his friends and shewed the Spaniards a meanes how to defeat this Virginian attempt. The great Counsell of that state [the King's Council of Virginia]

hath resolved upon a dubble supplie to be sent thether with all diligence. . . . Mr. Porie tells me of a name given by a Duchman who wrote to him in latin from the new towne in Virginia, Jacobopolis, and Mr. Warner hath a letter from Mr. George Percie who names theyr towne James-Forte, which we like best of all the rest, because it comes neere to Chemes-ford."

On the same day Captain John Barlee, Sir Ferdinando Gorges' lieutenant, wrote to Levinus Monke, the Earl of Salisbury's secretary, relative to the prisoners in Spain.

September 14, Sir Thomas Smythe, the governor of the East India Company, bought some "beads and cloth" from that company for the Virginia voyage. The patrons of the voyage had been paying in their contributions to Smythe, who was the treasurer of the first Virginia company.

September 22, Zuñiga wrote a long letter to the King of Spain, relative to the Virginia enterprise, in which he urges the king to "command that such a bad project should be up-rooted now while it can be done so easily." He tells the king that "he had found a confidential person, through whom he would find out what shall be done in the Council (which they call the Council of Virginia)."

Zuñiga had asked audience of James I. (in order to protest against the Virginia enterprise) while he was at Salisbury, between August 24 and September 8; but failed to see him. He reached Hampton Court on the 22d, and the next day the Spanish minister again asked an audience; but the king sent him word that it pleased him to wait until he returned from Theobald's, where he was going the next day to hunt.

It was probably about this time that Raleigh wrote to Salisbury proposing a voyage to Guiana in the south parts of America. In which letter he says, "The Journey may go on under the culler of Virginia, for Newport will shortly return," etc.

After it had been agreed upon "to send the supply to those that are gone, divers noblemen and gentlemen sent in

their money, and divers attended to go in person, enough to perform the project for this supply in both kinds. But there were some private ends among our Company, which were so unjustly the stay of this," that Sir Thomas Roe, a member of the King's Council of Virginia, wrote to the Earl of Salisbury, telling him of these troubles and urging him to use his influence in hurrying up matters. Roe writes, "I would I had had any part but to compleyne because it doth often savour of waywardness or spleene: I am guilty of neyther, but raysd with these considerations, and ye causes goodness: — That every mans reputation that hath beene seene in yt suffers, that no man can give any account to theyr noble frends that have beene drawn to adventure, but we must shamefully confess eyther we did not foresee ye difficulty, or now, that we have not ye constancy to persever. If this did not move us, yet should ye commiseration of so many miserable people borne in blyndnes, a conquest of soules above ye conquest of kyngdomes; *ye Honor and profitt to our Nation, to make provinciall to us a land ready to supply us with all necessary commodityes naturally wanting to us:* In which alone we suffer ye Spanish reputation and power to swell over us. If these considerations be too remote, yet I thinck every man's conscience will tell him ther is a pyety to them that are there, gone upon promise of supply, or els exposed to a most unchristian and lamentable fortune." Roe thought there was "no way but apparent ruyine, except your lordship would give some personal and prompt attention to the action."

"Give mee leave," he writes, "to put your Lordship in mynd that you are named (from whence I receive such hart) ye Patron to this most christian and noble enterprise of plantation, a woorke, I hope, may bee a glory to your memorye, though you have in yt an end woorthyer yourselfe." He apologises for troubling his Lordship, and desires "to attend your Lordship's leysure to cleare to your judgment thes abuses, and ye justice of this complaynt."

James I. returned to Hampton Court on October 3, and for the fourth time Zuñiga sent to him begging an audience; but "he was sick with fever that day and he replied that this, and his waiting for the Members of his Council, prevented his doing what I wished and that he would let me know when he was so disposed."

The next day the John and Francis, Captain Newport, and the Phoenix, Captain Francis Nelson, sailed from London with the first supplies for Virginia, and then on the next day Zuñiga received a message from the lord chamberlain in which he was told that the king would grant him an audience on the following day, Sunday, October 7.

On October 8, Zuñiga wrote the king of Spain a long report of this diplomatic audience and winds up by saying that he thought "it very desirable that an end should be now made of the few who are there, as that would be digging up the Root, so that it could put out no more."

October 13, Gorges wrote to Cecil sending him "such letters and notes, as are late come to my hands out of Spain from Mr. Challounes by the which it may appear what hath been done on all parties," etc.

October 16, Zuñiga again wrote to Philip III., telling him that "he had had to send to Hampton Court to remind the Council of the answer promised at his audience with the King;" and that Salisbury replied that "having discussed it with the King, James I. replied to him nearly what he had previously told Zuñiga." That is, nearly to the same diplomatic purport as Salisbury's own speech of June 25. Which reply was not at all satisfactory to the Spanish minister, who advises his king: "It will be serving God and your Majesty to drive these villains out from there, hanging them in time which is short enough for the purpose." That is to say, there was no time to spare.

Philip III. also wrote regularly to Zuñiga on this subject. His letters of September 21, and October 28, have been preserved. On November 10, the Spanish Council of State made a report giving their views as to the bearing

of the treaty on the Virginia controversy, and advising their king that the Windward fleet "should be instantly made ready and forthwith proceed to drive out all who now are in Virginia, since their small number will make this an easy task, and this will suffice to prevent them from again coming to that place."

"And to this the whole Council agreed."

December 6, Zuñiga reports to Philip III., "As to Virginia, I hear that three or four other ships will return there. *Will your Majesty give orders that measures be taken in time*; because now it will be very easy, and quite difficult afterwards, when they have taken root, and if they are punished in the beginning, the result will be that no more will go there." But, regardless of the advice of council and ambassador, Philip III. was disposed to take his own time in all things. "The slow style of proceedings in Spain was notorious, and divers of the Spanish King's ministers acknowledged this fact." In this instance it may have been to their loss and the Anglo-Saxon's gain.

December $\frac{1}{11}$, the Mary and John, Captain Robert Davis, returned to Plymouth from North Virginia. On the same day Gorges made his first report on this fact to Cecil, and two days thereafter he wrote again on the same subject.

On November 2, John Stoneman, the pilot of the *Richard*, made his escape from the Spanish prison, landed at St. Ives on December 4, and reached Plymouth about the 6th, where he remained with Gorges until the 11th, when he went to London to make his report to "the Court of England." This report is probably embodied in his account of "the Voyage of M. Henry Challons intended for the North Plantation of Virginia, 1606, taken by the way, and ill used by Spaniards." There are many letters still preserved in the Cecil papers from Challons, Nevil Davis, and others relative to these prisoners in Spain. Finally, on May 12, 1608, Gorges wrote to Cecil: "I thought it my duty to advertize your Lordship that Captayne Challoner hath made an escape out of Spaine and is arrived here

having brought with him his bayle. Which he hath done for that he saw his cause so desperate, and his hope so small finding by the manner of their proceeding no likely-hode of other then a miserable conclusion of his tedious suit." Gorges goes on to fire Cecil's heart against Spain. Diplomacy was too slow for him; he wanted war, and he was not the only Englishman who was of that mind.

December 22, Zuñiga reported to the King of Spain that Lord Carew and Sir William Wade, members of the King's Council of Virginia, said they intended "putting two thousand men in Virginia before spring, — that it would be the greatest impediment to the Spanish West Indies, and that the Spaniards would not then be able to move them from there." January 17, 1608, the Spanish Council of State had a consultation over this letter. They advised that it should be referred to Count Lemos and the Board of War of the West Indies. The king agrees, and decrees that all necessary things must be done hastily and secretly.

February 17, 1608, the Gift of God, Captain James Davis, returned from North Virginia to Plymouth, and on the same day Gorges reported the fact to Cecil in a long letter relative to the enterprise.

March 28, Zuñiga wrote to the King of Spain that the persons interested in Virginia increased daily; that the Earl of Lincoln had been added to the council, who was urgent that about 800 men should be sent within a month or so, and 2,500 to 3,000, as soon as possible. And Zuñiga deemed it necessary that Philip III. should have them intercepted on the way.

Sir Thomas Gates, the first signer of the petition for the charter in 1606, a captain of a company of English soldiers then in service in the Low Countries, was commissioned by the King of Great Britain to command (with three other gentlemen, in the country of Virginia in colonizing the said countries) the proposed large expedition, and on April 24, 1608, the States General granted him leave of absence for that purpose.

IV

VIRGINIA, 20TH SEPTEMBER, 1607 — 20TH SEPTEMBER, 1608

*CAPTAIN JOHN RATCLIFFE, PRESIDENT OF THE KING'S
COUNCIL*

CAPTAINS Ratcliffe, Smith, and Martin went to Wingfield's tent on September 20, and, after deposing him, elected Ratcliffe to the presidency. The next day Wingfield was brought before "the President and Council upon their Court day," Captain Gabriel Archer having just been made Recorder of Virginia¹ read the charges against the late President and there was a long squabble.

Martin and other members of the council were now freely trading with the Indians. Smith was still acting as cape-merchant, and about this time went to trade with the Indians at Kecoughtan.

September 27, they had Wingfield again up before the court and there was another long squabble.

October 2, President Ratcliffe struck James Read, the smith, and Read returned the blow, for which he was condemned to be hanged; but, according to one account, saved his life by revealing a proposed mutiny of Kendall, who was shot to death therefor, a day or so thereafter. His Majesty's Council in Virginia had power to fill vacancies caused by death or removal; but, for some reason unknown to me, this was seldom done. This was one of Wingfield's complaints (and it seems a just one) against the Council.

The little pinnacle could not carry all away; but after November had come and Newport had not, there were several motions made, first for one part of the colonists, then for another, to go to Newfoundland or to England

¹ Had the original Recorder recently died? If so, who was he?

for supplies. The matter was not arranged, however. Those who were to stay, remembering probably the fate of the Roanoke colony under like circumstances, were more willing to go themselves than to permit the others to go. And so each faction opposed (and prevented it may be) the going of the other. However, although Newport had not come, the frosts had. The men were regaining their health. The air was filled with wild geese, ducks of all sorts, etc.; the river with fish, oysters, etc.; the land with deer, wild turkeys, and game of many kinds. With the return of health and the feasting on these things, they became more and more reconciled to the country.

The Indians still appearing friendly, Captain Smith in the barge with John Robinson, Thomas Emry, George Casson, and six other Englishmen, left Jamestown on Thursday, December 20, to trade and to discover up the river of the Chechohomynies, in the hope of finding "some lacke," etc. On the fourth day, having gone as far up the river as they could in the barge, Smith hired a canoe and two Indian guides, and the next day, taking these with Robinson and Emry (and leaving Casson and six others with the barge), he proceeded up the river. This party was captured by the Indians on December 26; Robinson and Emry were killed, and Smith, for some reason known to the Indians, variously reported by the English then, and much argued over by others since, was saved. They also killed Casson and probably others of his party. The barge, however, with some of them, returned safely to Jamestown and reported that the Indians had killed the rest. Whereupon President Ratcliffe, who had two votes (a first vote, and in case of a tie, the casting vote), elected and swore in Captain Gabriel Archer as a member of the council, against the protest of Martin, who was then supposed to be the only other member of the council alive in Virginia.

While Smith was a prisoner, Powhatan is said to have had certain malefactors punished in Smith's sight. Some he is said to have had bound hand and foot and broiled to

death on fires ; and others had their heads laid upon the altar or sacrificing stone and their brains beaten out with clubs. After a captivity of fifteen days, Smith was sent home by Powhatan on January 11, 1608 ; he arrived at Jamestown early the next morning ; was at once “ indited ” and tried for the death of his two men ; convicted and condemned to be executed. We have no full account of this trial. “ But it pleased God to send Captain Newport unto us the same evening.”

Although the first return gave the managers of the enterprise no hope of any extraordinary consequence, they had freshly and cheerfully sent Captain Newport from London on October 4. On the 18th he sailed from Gravesend on the John and Francis, with the Phoenix, Captain Francis Nelson, in consort, and finally, having been waiting for the wind, sailed from Falmouth for Virginia on November 2, 1607 ; reached Santo Domingo December 9, and had sight of the continent the 30th. On January 3, 1608, they lost sight of the Phoenix (on which were about forty men) in a fog. The John and Francis reached Jamestown on Saturday evening, January 12. About 120 emigrants were sent from England on the two ships. Of these “ near 100 ” lived to reach Virginia ; probably about 70 came in at this time with Newport, and 30 some time after with Nelson. Among the first were Matthew Scrivener (who had been appointed to the King’s Council in Virginia by the King’s Council for Virginia in England) and, probably, Captain Isaac Madison, who was sent over as a surveyor in 1607 or 1608. Of the 104 men left by Newport in Virginia in July he found only 38 or 40. The rest had died of the sickness, or had been killed by the Indians. Of the six members of the Council left in Virginia, Gosnold had died, Kendall had been executed, Smith was under condemnation to be executed, and Wingfield was a prisoner. Newport at once relieved the colonists with much needed supplies ; had Wingfield and Smith released, and “ also by his comyng was prevented a *parliament* which ye newe counsailor, Mr.

Recorder [Archer] intended thear to summon." This notable popular idea (an incident of peculiar historic interest to us) of the first proposed Parliament (General Assembly?) in our country is thus vaguely mentioned by Wingfield; the full particulars have not been found. It may be that the free air of America was the proper nourishment for the popular ideas then germinating in the minds of the English. Purchas, in giving his reasons for the dissensions in Virginia, says, "The very Aire of the Indies [America] seemes to be of inclination and disposition to contentions, which easily ruine and dissolve the greatest and best enterprises." And George Donne, writing from Virginia to Charles I., in 1636, quotes and indorses this idea of Purchas, and, as an illustration of the fact, gives the recent deposition of Governor Sir John Harvey and election of Captain John West in his place by the General Assembly.

Smith's history makes four leading statements relative to this time: First, that Smith was a prisoner "sixe or seven weeks;" second, that Pocahontas saved his life; thrrd, that he then returned to Jamestown and prevented its abandonment; and fourth, that he then, with the aid of Pocahontas (for a week or more) saved the colonists from want until Newport finally arrived. As these statements rest on the same evidence, to impeach a single one of them is sufficient to impeach the rest, and other evidences, direct or circumstantial, either contradict or cast doubt upon each one of these statements. The Pocahontas incident has been woven into a pretty, touching story which has appealed so strongly to human sympathy as to overshadow matters of the greatest historic consequence. The contending for it has been like fiddling while Rome was burning. We should have devoted our time rather to saving our earliest history from the smoke and flame with which it has for so long been concealed or obliterated. It is more important to rescue our foundation as a nation from the ideas conveyed by Smith than it is to contend over the saving of

Smith. We may not know why the savages saved him; but as they sent him back with accounts of a ready way to the South Sea, gold mines, etc., it was probably their purpose thus to use him to decoy the weak colonists into some ambuscade. But however this may be, we should not allow personal questions or pleas to conceal or obscure important historic facts. It was really the opportune arrival of Newport with additional emigrants and supplies which saved the colony from want (and it may be from final abandonment by the English or destruction by the Indians) and Captain Smith himself from execution. Even if Smith was first saved by an Indian princess (which at best is an historic doubt), he was saved last by an English captain (which is an historic fact), and but for the last saving the first would have been to little purpose.

Monday, January 14, 1608, the new supply landed, and, on the 17th, Jamestown was burnt; the fire consumed nearly all the buildings in the fort, including the church, the library of Rev. Mr. Hunt, the storehouse for provision, and the store for ammunition. While the colonists were rebuilding the stores and other houses, Newport employed his mariners in rebuilding the church, "all which works they finished cheerfully and in short tyme." In the mean time, however, owing to the loss of houses and clothing, there was great suffering, for the winter of 1607-1608 was a remarkably severe one not only in Europe, but also in both North and South Virginia, and many of the old men, and of those recently arrived, died from unavoidable exposure to the cold.

In February, 1608, Captain Newport sailed down James River in the pinnace with Smith, Scrivener, Tyndall, and many others on a voyage to Werowocomoco, for conference and trade with the Great Powhatan. Going around by Point Comfort and out into the bay, they entered York River, and went up to "Warow á Comaco" on Poetan Bay. Tindall now surveyed this route and river (as he had done the James in 1607), and made a "draught" of it up

to the Fork, — naming Tyndall's (now Gloucester) Point, Newport's (now Too's) Point; locating "Poetan," "Pamaunke," etc. It was at this time that Powhatan is said to have desired Newport to come from Jamestown as a place unwholesome, and to take possession of another whole kingdom, which he gave him, called "Capa Howasicke." He also gave Namontack to Newport, "to be carried to King James, his land, to see him and his country, and to return to his king [Powhatan] the true report thereof." And in his lieu, Newport left Thomas Savage with the Indians. The Indians seem to have baited Newport also with the South Sea idea, and we are told that they suggested to him the leaving his ships at the Falls, and having a framed boat which might be conveyed, each man taking a piece till they were past the stones in the river (that is, above the Falls), and then to join the pieces together and pass the men on in the boat by water up the river.¹

Newport returned to Jamestown, on March 19, "with the pinnace well loaden with corne, wheat, beanes, and pease to our great comfort and his worthie comendations."

For the next thirty days the Council, including Captain Newport, were setting things in order at Jamestown, and loading the ship for England. He sailed April 20, 1608, taking with him Wingfield, Archer, McGuire, an Irishman, and Namontack, an Indian, Tyndall's chart, Percy's discourse, White's description, Perkins's letter, a journal of his journey to Werowocomoco, and other documents unknown. He found only about forty, brought about seventy, and carried back at least two. And as we are told that "more than halfe died" in the hard winter of 1607-1608, he must have left less than fifty-three.

Francis Maguer (or McGuire), the Irishman and Roman Catholic, afterwards wrote an account of his voyage to Virginia, and submitted it to the Privy Council of Spain.

¹ I have no means of knowing how far such a boat might have gone at that time; but in after years, after several "improvements in the river," boats went from Westham to the mountains.

The account of events in Virginia between March 19 and April 20 was omitted in Smith's "True Relation," as printed. The "Oxford Tract" and the "General History" afterwards represent the colonists as loading Newport's ship, in a wild way, with a great quantity of "gilded durt." Francis Maguer, who returned in the ship, and the reports of others on her return voyage, do not tell of any great quantity of this stuff being sent at this time; but that samples of minerals (real or imaginary), iron, copper, and other ores, were taken to England by each returning ship seems certain. Those who fail to accomplish an object are prone to ridicule the idea afterwards. No member of the Council in Virginia devoted more time to searching for gold, the South Sea, and other things which they did not find, or to ridiculing such ideas afterwards, than Captain John Smith.

Ten days after Newport sailed, Captain Nelson—who it seems had gone back to the West Indies and spent the winter there—arrived at Jamestown in "the long lost Phoenix." The acts of Newport while in Virginia at this time have been subjected to unjust criticism by the historians, while Nelson has been praised. Yet if Newport had failed to arrive until Nelson did, I doubt if the colonists would have been found surviving the hard winter, even if the Indians had not murdered all.

Captain Nelson left Virginia in the Phoenix, on June 12, 1608, taking with him Captain John Martin, Smith's "True Relation," with a chart of Virginia, Smith's letter to Hudson about the South Sea, etc.

Captain Smith (intending to discover the South Sea himself), in the barge with fourteen others, went down the river with Nelson, and, leaving the Phoenix near Cape Henry, proceeded on their voyage up the bay to discover the Potomac, the fourth river, which the Indians had told the English was of great importance, "flowing very far into the country until it meets another river, which flows to the South Sea." They entered the Potomac on June 26,

and spent some three weeks in exploring it, probably up to the falls, in the mean time searching for mines, etc. They returned to Jamestown July 31, and "found the last supply all sick," etc. We have not the details; but the sickly season at Jamestown in 1608 was similar to that of 1607, not excepting the dissensions, and, according to Smith's account, not excepting the deposing of the president; but this is a debatable point, and therefore cannot be given as an historical fact.

They had failed to find the South Sea, via the Potomac; but the savages up that river still kept the hope before them. The Indians there told them that it was not *the river but the bay* which stretched to the South Sea. The bag of gold was at the end of the rainbow; but the end was always to be in front of them. On August 3, having remained at Jamestown less than three days, Smith set out again on this discovery, with twelve others in the barge, to find whether "the bay were endless or how far it extended." Two days after leaving Kecoughtan, those of the last supply on the barge were all sick with chills and fever; but, they continuing on northward to the head of the bay, it seems that only one died. They failed to find the South Sea via the Chesapeake Bay and Susquehanna River; but the Indians still kept the hope before them, leading them on. The route they were now told was not the bay, but via "the river of Canada" and the great lakes.

They failed to find the South Sea, or the mines, but returned with these hopes (which they proposed looking into the next year) to Jamestown, on September 17, where they found "many dead, some sicke."

A narrative which pretends to give a complete account of these two voyages was printed in Smith's "Oxford Tract" (1612) and in his "General History" (1624). From other partial accounts it seems that some of the discoveries claimed therein were not made until later (by Tyndall and Argall in 1610 and 1611); but it is not necessary to

attempt to discuss to what extent this narrative can be relied upon. Captain (Nathaniel?) Powell wrote an account of the voyage and made a map of the bay and rivers; but the originals have not been found. And the evidence remaining (or as yet found) regarding these voyages, as is so frequently the case in these controversies, is not sufficient to enable us to go into the details and deal fairly with all parties interested.

These voyages furnish the ground for one of the complaints against Smith. They were made contrary to the instructions of the managers in England, who had ordered that Newport should refresh the newcomers after their long confinement on board ship, by taking them on the voyages of discovery, and thus gain two ends with one means, while the officials and older settlers in Virginia were to employ themselves about the settlement, raising supplies and putting the colony on a self-sustaining basis. On the other hand, it was natural for the colonists to resent an arrangement by which "to Capt. Newport the right for all discoveries did belong," and to wish to find the South Sea, mines, and other valuable things for themselves. But these voyages were made during the agricultural season, and at a time when the services of the men were especially needed at Jamestown about cultivating the crops.

On September 20, 1608, the term of Captain John Ratcliffe, as president of the Council in Virginia, definitely expired, and Captain John Smith, "as by course it did belong" (he being the senior to Scrivener in the Council), succeeded him in the presidency.

V

ENGLAND, MAY, 1608 — JANUARY, 1609

ROBERT CECIL, EARL OF SALISBURY, PRIME MINISTER

MAY 11, 1608, a special commission was granted to Sir Thomas Smythe and others to minister an oath to all passengers that desire to pass over the seas at the port of London, and to examine them.

Sir Thomas Gates arrived in England from the Netherlands about this time. While the preparations for the proposed extensive Virginian expedition were going on, Captain Newport arrived at Blackwell (May 31) from South Virginia, bringing with him Captains Wingfield and Archer, and sundry documents. Their reports of the sickness and factions in Virginia, and of the supposed loss of the pin-nace, caused a stay in the large preparations; but as an offset to the bad news, they brought Captain John Smith's certain news of a ready way about the fortieth degree of north latitude to the great South Sea. This news created excitement in the Virginia companies, and they hastened Newport's return. He had reached London only a few days before June 16, and on that day Zuñiga wrote to Philip III. that "they were already preparing to send out Newport again in two months." He also wrote to the king on June 26, 27, 28, and July 3. These letters (which must be regarded as very important, showing urgency) have not been found. Within one month thereafter, Captain Nelson arrived in England from South Virginia in "the long lost" Phoenix, bringing with him Captain John Martin, Smith's "True Relation," and the chart (showing and illustrating "the certain news" of the nearness of the South Sea), and other documents. The reports of Nelson and Martin again

hastened Newport's return, and he sailed within less than two months — probably soon after the issuing of the “Bill of Adventure” (July $\frac{12}{4}$) to Henry Dawkes and William Leigh and signed by Richard Atkinson¹ — in the *Mary and Margaret*, prepared to attempt the way to the “great turning of salt water, within 4 or 5 daies Journey of the Falles,” told of by Smith, and to find the gold belt up James River told about by Martin. He carried “rich presents of Bason, Ewer, Bed, Clothes and a Crowne” from the Virginia Company to the Virginia prince, Powhatan. And men of “several trades and professions, honest, wise and painefull men,” were sent to South Virginia. About the same time Captain James Davis (Davies, etc.) sailed in a ship laden full of victuals, etc., for the North Virginia Colony.

July 29, Philip III. wrote to Zuñiga requesting him to obtain from well-informed practical men a special and detailed account of the position, location, etc., of the colony, “with *the climate*, and everything else that concerns it — and you will briefly report of it all.”

August 23, Smith's “True Relation” (or a part of it), which had been brought from Virginia by Captain Nelson, was entered at Stationers' Hall for publication. This was the first account of the Virginia colony published to the world, and it is well known.

On September 10, Zuñiga received the report of the Spanish Council of State, of August 16, giving their reasons for sending to the galleys those of Challons' crew who had not escaped from Spain. On the same day Zuñiga wrote to the king of Spain acknowledging the receipt of this report, and sending him a copy (or the original) of a chart of South Virginia, a drawing of St. George's Fort in North Virginia, and a report on Virginia, only a fragment of which remains. There is reason to believe that this report was a full copy of the “True Relation” which accompanied the chart from South Virginia; but it

¹ *Virginia Historical Magazine*, vol. ii. pp. 183, 186.

cannot be asserted as an historic fact. It is, however, quite certain that copies of this relation and chart were taken to Holland by Captain Henry Hudson in the latter part of 1608.

September 23, Philip III. wrote Zuñiga to send him, "as promptly as it can be done," certain papers concerning Virginia. On November 8, Zuñiga wrote to his king (at which time he probably sent the papers asked for), telling him "it is very important, Your Majesty should command that an end be put to those things done in Virginia; because it is a matter of great importance — and they propose (as I understand) to send as many as 1500 men there; and they hope that 12,000 will be gotten together there in time."

The preparation for an extensive expedition under Sir Thomas Gates was still going on.

December 12, Captain George Popham's will was recorded. The colony from North Virginia had but recently returned to England in Captain Davis's ship and in the new pinnace, the Virginia, which had been built in North Virginia.

James I. came to London on December 30, and the new-come Spaniard, Don Ferdinand de Girone, "had audience the next day with all solemnity of King, Queen, and all their children." This Spaniard was sent to England to offer in marriage one of the royal infants of Spain, and thus to begin negotiations by which the kings of these countries might settle to their own advantage, quietly, without expense or war, the Virginian and the other controversies. James I. was "playing the safe game;" while feeding Philip with hopes deferred, the English were proceeding, "energetically," to take a firm hold on a part of the dominion claimed by Philip III. in America. And Philip was playing somewhat the same sort of game, for about the same time he sent orders to Pedro de Ybarra, his governor and lieutenant-general of his Province of Florida, to send out a ship to explore the coast northward; to find out exactly where the first English colony was, which was suspected to be settled at 37° 30' north latitude. "There he

[the commander of the expedition] shall exercise his utmost care to find out and see as much as possible, and to verify all that he may know, and that others claim to know about the people natives and foreigners." He was "likewise to visit the isles in the Bay, where the people were found in the year 1587 [1586 ?] when privateer Francis Drake took them with him on his way back to England."

"This duty being performed, he shall continue to sail along the coast, surveying it, etc., according to the directions until he reaches $44^{\circ} 30'$ latitude, where lies the *Mina del Oro* (Mine of Gold)." This was the region of the second English colony, which the Spaniards did not then know had been abandoned.

January 8, 1609, Captain Henry Hudson, with the information derived in his native England, entered into a contract with the Dutch to find for them a ready way into the western ocean by the north of the southern English colony.

January 15, Zuñiga wrote to the King of Spain that "the colony which the Chief Justice sent out to Virginia has returned in a sad plight;" but still they proposed to send at once a good ship and a tender. Two days thereafter he wrote that they were negotiating with Lord Arundell of Wardour and with Sir John Watts to command the proposed large expedition. Arundell had served with distinction as a volunteer in the imperial army of Rodolph II. in Hungary, taking with his own hands the standard of the Turks, for which heroic achievement he was created a count of the sacred Roman Empire, December 14, 1595. He was a brother-in-law to Henry, Earl of Southampton; but he was a Roman Catholic, and this fact debarred him from any official service under the Virginia Company, which was soon after incorporated.

While it is not necessary for me to give a detailed account of the North Virginia colony, because its history has been fully and fairly written, still in order to understand the colonial movement as it developed in its course,

it is necessary to keep this colony constantly in the mind's eye. Owing to the death of several of the chief patrons (for at first these colonies were entirely dependent for sustenance and support on the patrons in England), the Pophams, Sir John Gilbert, etc., the settlement of this colony was for the present abandoned, and it was determined to make a united effort for securing the hold in South Virginia; but England never relinquished her claim to the country; her ships were probably sent there every year. And after 1612, the English in a very firm manner guarded the coast as being theirs, and expelled intruders.

From the first the mind of James I. was constantly fed and flattered with the idea that he was the especially designed founder of England's colonial empire. To make this more evident became with him a constantly increasing desire, which fact has a most important bearing on our earliest history as first published.

On New Year's day, 1609, Sir Francis Bacon presented him with "certain considerations touching the Plantation in Ireland," beginning, "It seemeth God hath reserved to your Majesty's times two works, which amongst the acts of Kings have the supreme pre-eminence; the Union and the Plantation of Kingdoms. For although it be a great fortune for a King to deliver or recover his Kingdom from long continued calamities; yet in the judgment of those that have distinguished of the degrees of Sovereign honour, to be a founder of estates or Kingdoms excelleth all the rest; for as in arts and sciences to be the first inventor is more than to illustrate or amplify; and as in the works of God the creation is greater than the preservation; and as in the works of nature the birth and nativity is more than the continuance; so in Kingdoms the first foundation or plantation is of more noble dignity and merit than all that followeth."

Bacon, who was more interested in Ireland than in Virginia, advises the king to have a royal council of plantation for Ireland. "Wherein I warrant myself by the

precedent of the like council of Plantation for Virginia ; an enterprise, in my opinion, differing as much from this [Ireland], as Amadis de Gaul differs from Cæsar's Commentaries," etc.

When Bacon wrote this other than royal influences were already developing in the free air of America. Smith's history, alluding to the departure of Archer from Virginia, says : " And we not having any use of Parliaments, Plaies, Petitions, Admiralls, Recorders, Interpreters, Chronologers, Court of Plea nor Justices of Peace sent Captain Archer home that had ingrossed all those titles, to seeke some better place of imployment." Martin (who arrived in July) and Archer (in May) had been " educated to the law ;" they had seen the defects in the king's form of government, and the first " petitions " from the planters in Virginia for a change in the charter were probably brought to England by them. They continued in the same " imployment," and afterwards returned to Virginia under the charter " petitioned " for, which finally gave the colonists the right to elect their own " Parliaments, Justices of Peace," etc.

VI

VIRGINIA, 20TH SEPTEMBER, 1608 — JULY, 1609

CAPTAIN JOHN SMITH, PRESIDENT OF THE KING'S COUNCIL

IN the nineteen days of his presidency, between September 20 and the arrival of Newport, according to Smith's history he accomplished more at Jamestown than Ratcliffe had in the year before. The events in Virginia during the first few years would have had more interest to us, and we could have narrated them with more satisfaction and with a greater reliance on their accuracy, save for the personal factions among the colonists; but the most important questions involved were at this time being settled in Europe, and England was then the basis of the enterprise, as well as the source of supplies.

Although the reports from Virginia contained "nothing new" His Majesty's Council for Virginia "had courage and constancie to releev" the colony again, and about the first of August sent Captain Newport in the *Mary* and Margaret from England, with Captains Richard Waldo and Peter Wynne appointed to be of the King's Council in Virginia, and sundry presents for Powhatan and supplies for the settlers. He reached Virginia early in October with about seventy emigrants, and found the colony, consisting of about sixty persons, in much the same general condition as when he arrived in the previous January, and owing to many of the same causes.

For making of pitch, tar, and turpentine (ship-stores), soap-ashes, deal, wainscot, and such like, the company sent by Newport sundry "skillfull workemen from forraine parts, which may teach and set ours in the way, whereby we may set many thousands a worke, in these such like

services.” “And many honest, wise and painefull men, of every trade and profession, (going over in this supply,) showed that they were glad to go and plant themselves so happily, and their children after them, to hold and keep conformitie, with the lawes, language and religion of England for ever.”

Soon after the ship reached Jamestown, the presents (including a copper crown, presented in the name of King James) were given to the King of the Powhatans, and the crown was set upon his head by Captain Newport; for which he was said to have granted the English freedom of trade and lands.

In his history of Virginia, Smith states that Namontack, the Indian, who had been sent to England, returned with Newport at this time. In his history of the Bermudas, Namontack is said to have been killed by Matchumps on that island in 1609–10. If both accounts are true this Indian made two voyages to England.

Captains Newport, Waldo, Wynne, Percy, West, Mr. Scrivener and others, made an exploration up James River above the Falls. There is no reliable detailed account of this expedition, and the dates are uncertain; but it probably began late in October and ended about the 27th of November. Captain Smith, who was not in it, attempts to ridicule it in his history. It was, however, an important expedition. The English went, for the first time, into the wilderness for any considerable distance beyond the protection of their ships. They marched “four days journey” above the Falls, to the eastern gold belt of Virginia, and possibly to where “this river devyds itselfe.” In 1612, William Strachey, describing James River, writes: “Forty miles above the Falls, it hath two branches, or other rivers, that fall into it; the head of the northermost [the Rivanna] comes from certaine steepe mountaines that are said to be impassable; the head of the other [the Fluvanna, now the James] comes from high hills afar of, within the land, from the topps of which hills, the people [Indians] say they see

another sea — and that the water is there Salt.” In answer to a letter from Charles I., of November, 1627, the General Assembly replied that, “19 years ago, a mine had been discovered four days’ journey above the Falls of the river.” In the map of 1610, “Rossawick” is given as the name of an Indian town in the fork of the rivers, present James and Rivanna. No permanent settlement was made so high up the river for an hundred years or more thereafter. The earliest settlers of this section called one of the chief tributaries of the Rivanna River “Machumps” Creek, which was the name of an Indian who told the earliest settlers of Virginia much about the country; and a large creek flowing into the James on the north side above the present Scottsville was called Totiere (Tolere, etc.) Creek, which probably locates it as formerly in the region of one of the eastern Siouan tribes of Indians.

Captain Newport, in the *Mary and Margaret*, sailed from Virginia in December, 1608, with Captain John Ratcliffe, leaving Smith, Scrivener, Waldo, and Wynne as members of the Council. Smith was president, but the majority had the power to rule as they wished, and in his history Smith tells us that they did so.

Soon after Newport’s departure “there was a marriage betwixt John Laydon and Anne Burras (the maid of Mrs. Forrest — the first gentlewoman and womanservant that arrived in our colony —), which was the first marriage we had in Virginia.” I suppose that the ceremony was performed by a minister. If so, Rev. Robert Hunt must have been still living, unless some minister had come over of whom we have no record.

From January 8 to late in February, 1609, Captain Smith was on his journey to Pamaunkee, of which he gives a long account in his history.

Captain Waldo, Mr. Scrivener, Mr. Anthony Gosnold, Sr., and eight others, were drowned by the upsetting of their boat in James River, near Hog Island, about the middle of January, 1609.

Captain Wynne and Mr. Lee died probably in April, from which time, until August, Captain Smith was the only member of the Council in Virginia, “and would admitt no assistants.”

About May 20, the colonists were forced (leaving a small guard of gentlemen and some others about the president at Jamestown) to disperse the whole colony, some amongst the savages, but most to the Oyster Banks (some twenty miles below Jamestown), where they lived upon oysters for the space of nine weeks (May 22 to July 24), “which kind of feeding caused all their skins to peel off, from head to foot, as if we had been flaide.”

From 275 to 320 emigrants had been sent to Virginia under the royal administration of the enterprise. Accounts vary as to the number of survivors at this time, but it is quite certain that it was not over 109, and probably “about 80” is correct.

I do not undervalue the very great importance of the period, 1606–1609; but it was “an experimental period which gave more light by the errors thereof what to avoid than by the direction of the same what to follow.”

Smith’s history, in defending the king’s form of government from the charge that it was “a faction breeder,” laid the blame on the other councilors. He says, “Captaine Ratliffe is now called Sickemore, a poor counterfeited Imposture. I have sent you him home, least the company should cut his throat. . . . If he and Archer retorne againe they are sufficient to keep us alwayes in factions.” But the managers after considering all the evidences finally accepted the views of the other councilors, and determined to ask for a change in the charter.

UNDER THE COMPANY

PART I

THE ADMINISTRATION OF SIR THOMAS SMYTHE

I

ENGLAND, JANUARY — JUNE, 1609

ORGANIZING COMPANY AND SENDING FIRST EXPEDITION
UNDER NEW CHARTER FOR SETTLING COLONY

LATE in January, 1609, Newport returned from Virginia, with Captain John Ratcliffe, and sundry documents, maps, etc.

So far the enterprise had been largely experimental. The various reports brought by Newport at various times; the personal reports of Wingfield, Archer, Martin, Nelson, Ratcliffe, and Newport, convinced "the governors and Councillors established for the Plantation of Virginia" of sundry errors which it was necessary to rectify. At this return of Newport, they write "experience of error in the equality of governors, and some out-rages and follies committed by them [the presidents of the Council in Virginia], had a little shaken so tender a body." And the managers of the enterprise, "perceiving that the plantation went rather backwards than forwards," held special meetings at the Earl of Exeter's house and elsewhere in London, and "after consultation and advise [with Hakluyt, Hariot, and others] of all the inconveniences in these three supplies [1606, 1607, and 1608], and finding them to arise out of two rootes — *the forme of government*, and length and danger of the passage by the southerly course of the [West] Indyess: — To encounter the first [the forme of

Government], they determined to petition the King for a special charter with such ample and large privileges and powers as would enable them to reform and correct those errors already discovered, and to prevent such as in the future might threaten them."

Notwithstanding the past troubles in Virginia they were satisfied that by settling good government there, and sending more supplies of men, with means to plant the soil and make discoveries, all would end well.

It must be remembered that this form of government, which had proven unsatisfactory to the managers, had been drafted by James I. himself, and therefore it continued to be an active factor in various controversies in the company and colony at various times until it reasserted itself again. And it must not be forgotten that the protests of Archer, Martin, Newport, and Ratcliffe (Wingfield made no objection to the king's form of government; but asserted that it was not complied with by the others) were the first from America against a royal form of government, and the result — the beginning of popular charters — was the germ which gradually developed into a popular government (a free country) in America — the genesis of the United States.

The first draft for the new charter annexed to the petition was drawn up (probably late in January, 1609) by Sir Edwin Sandys. Among the additional privileges asked for were: A regular grant of incorporation, etc.; extended and definite bounds; the government of the colony to be committed to the company; colonists to be free from customs for twenty-one years, and from taxes (save import dues) forever. The twenty-first article strengthened the thirteenth article of the royal charter of 1606, and the twenty-second the fifteenth of the old charter by inserting the following words in italics: "and every of their children *and Posterity* which shall happen to be born within any of the Limits . . . shall have and enjoy all Liberties, Franchises and Immunities of *free Denizens and natural*

subjects, within any of our other Dominions, to all intents and purposes as if they had been abiding and born, within this our Realm of England, or any other of our said Dominions." To this chartered right — "the inalienable rights of freeborn Englishmen" — our forefathers at the opening of our war for independence appealed when they again protested against the royal form of government in America.

Sir Edwin Sandys was then the leader of the independent party in Parliament. He had already aided in drawing up "with great force of reasoning and Spirit of Liberty" the remonstrance against the conduct of James I. towards his first Parliament; had contended that all prisoners should have the assistance of counsel; had been an advocate of the freedom of trade, an opponent of the monopolies held by companies; had frequently appealed for a correction of the grievances of the people and against the impositions upon them by the crown; and had already "learned to raise his voice for the toleration of those with whom he did not wholly agree." He had in mind a well-matured plan for the future good of Englishmen, and when drafting the Virginia Company charters he inserted therein the authority which would enable him to put this plan in execution when the proper time arrived.

In answer to the petition made by "divers of our loving subjects, as well adventurers as planters of the said first colony," the special charter was promptly granted by James I. As this charter had not only to go through the usual long official routine, but, also, as "every planter and Adventurer was to be inserted in the Patent, by name," it was kept open to receive these names, and was not signed by the king and sealed until June 2, 1609.

The special inducement presented to James I. for granting this charter, conveying these popular rights to the company, was the fact that under the first charter the plantation, notwithstanding the king's denials, was really a royal colony, which fact was coming to be well understood by the Spaniards; and this company charter, on the king's

part, was a diplomatic agent, which enabled him to shift responsibility on the company and permit the enterprise to be carried on "at their own peril" without breaking the treaty. Under the first charter it was really the king's "owne worke." Under the company's charter the king was able to "owne it at his pleasure or disavowe it as might be best for his honor and service."

"If it take not success it is done of ther owne heddes. It is but the attempt of private gentlemen, the State suffers noe losse, noe disreputation.

"If it take success, they are your subjects, they doe it for your service, they will lay all at your Majesty's feet and interest your Majesty therein."

This was a common diplomatic subterfuge. We find it in Gilbert's discourse to Elizabeth (November 6, 1577); in Cecil's memorandum and speech of 1607; in the reports of the audiences with Zuñiga, and in the papers of the attorney-general.

The company at once shouldered the responsibility, and took the matter well in hand. To reform the government in Virginia, they selected Lord De la Warr to be lord governor and captain-general, with Sir Thomas Gates lieutenant-general, and Sir George Sommers admiral of Virginia, with Captain Christopher Newport vice-admiral. Subscriptions began at once, and they issued promptly a broadside which was distributed over England, calling upon all work-people, male and female, who wished to go to Virginia "to come to the house of Sir Thomas Smythe (the Treasurer of this Colony) in Filpot Lane," and "they will be entered as Adventurers in the present voyage to Virginia, where they will have houses to live in, vegetable-gardens and orchards, and also food and clothing at the expense of the Company, and besides this, a share of all the products and the profits that may result from their labor, each in proportion, and they will also secure a share in the division of the land for themselves and their heirs forever more." "And all who would give [one hundred

Philips] before the last of March will be admitted as Members of the Virginia Company and receive a proportionate share of the profits, altho they do not go in person on this voyage."

In order to avoid the necessity for protecting from Spain two infant colonies so far apart, and owing to the death of Sir John Popham and Sir John Gilbert, and for other reasons, it had probably been determined to abandon North Virginia, at least temporarily, as early as July, 1608, when Captain Davis was sent back to Fort St. George with supplies only, and when Captain Daniel Tucker of the North Virginia Company went with Newport to South Virginia. But, however this may be, it is certain that on February 27, 1609, the members of the North Virginia Company were invited to coöperate in forming, under the new charter, a new company for the purpose of making a concentrated effort, "and with one common and patient purse," to secure for England a fast hold on that land in the remarkably strong position afforded for their purpose by the natural construction of James River,¹ "safe from any danger of the salvages or other ruin that may threaten us." And many of that company accepted this invitation, were enrolled in the charter, and enlisted in the work.

The general plan determined upon for securing a firm hold on the land was "so to set and furnish out under the conduct of one able and absolute Governor, a large supply of five hundred men, with some number of families, of wife, children and servants, to take fast holde and roote in that land — and this resolution was with much alacrity and confidence." The first idea was to send Lord De la Warr in March following with a supply of eight hundred men; but it was afterwards determined to send Sir Thomas Gates first, and then Lord De la Warr.

At one of the meetings held about this time, Robert

¹ The strategic importance of this lot was cast there, and the fate of our section reveals itself prominently in first and last revolutionary movements the history of this country. Our first was decided there.

Johnson, an alderman of London, and the recently chosen deputy treasurer of the Virginia Company, delivered an important discourse, giving the plans, objects, and hopes of the company from the business standpoint of one of the managers of the enterprise, which was entered for publication on February 28, 1609, under the title "*Nova Britannia*."¹ After publication it was distributed in many cities and towns of England, "exciting all such as be well affected to further the same." Johnson gives as the chief objects: First, to advance the kingdom of God; second, to advance the kingdom of England; and, third, to relieve and preserve those already in the colony, and to lay a solid foundation for the future good of this Commonwealth, under which head he told his hearers, "And take this ever as a rule, that domestic merchandising brings forth but poor effects in a commonwealth." He then tells of the various benefits likely to arise out of the foreign commerce of the future colony, "when we shall rear such merchant ships both tall and stout, as no foreign sail that swims shall make them vail or stoop: whereby to make this little Northern corner of the world to be in short time the richest storehouse and staple for merchandise in all Europe."²

"Two things are especially required herein — First — people to make the plantation — second — money to furnish our present provisions and shippings now in hand. For the first we need not doubt," etc. But three sorts of people were not wanted — "First certain bad citizens of London; 2nd Papists, and 3rd evil affected Magistrates." "And as for the general sort that shall go to be planters, be they never so poor, so they be honest and painfull, the place will make them rich: — We must first employ all kind of Artificers, as carpenters, ship-wrights, Masons, Sawyers, Brickmakers, Bricklayers, Plowmen, Sowers, Planters, Fish-

¹ See Force's *Tracts*, vol. i., no. vi., 29,880. Total tonnage, 25,614,089. and *The Genesis of the United States*, pp. 241-243, 259-277. Of these, 15,095 vessels, representing a tonnage of 15,593,751, were credited to Great Britain and the United States.

² In 1895 the total number of vessels in the world was reported at

ermen, Coopers, Smiths, Metal-men, Tailors, Turners, and such like to make and fit all necessities, for comfort and use of the Colony," etc.

"The second thing to make this plantation is money, to be raised among the adventurers, wherein the sooner and more deeply men engage themselves, their charge will be the shorter," etc. Planters were those who went in person. Adventurers did not go in person, but adventured their money. A single share was £12 10s., to yield a dividend at the end of seven years. All who went to Virginia were to be registered in a book, "that it may always appear what people have gone to the plantation, at what time they went, and how their persons were valued," every extraordinary man, as divines, etc., having an extra value.

"All charges of settling and maintaining the plantation, and of making supplies, shall be borne in a *Joint Stock* of the adventurers for *seven years* after the date of our new enlargement [the new charter]: during which time there shall be no adventure, nor goods returned in private from thence, neither by Master, Mariner, Planter, nor Passenger, they shall be restrained by bond and search, that as we supply from hence to the Planters at our charge all necessities for food and apparel, for fortifying and building of houses in a *Joint Stock*, so they are also to return from thence the increase and fruits of their labours, for the use and advancement of the same *Joint Stock*, till the end of *seven years*: at which time we purpose (God willing) to make a division by Commissioners appointed, of all lands granted unto us by his Majesty, to every [one] of the Colony, according to each mans several adventure, agreeing with our Register book."

March 5, Zuñiga wrote to his king, sending him copies of this discourse and of the broadside before-mentioned, and also a chart of Virginia, and telling the king of the great preparations of the Virginia Company, who had refused to employ the Lord of Arundell, because he was suspected of being a Roman Catholic, and that Arundell now

offered to aid the king of Spain in his efforts to remove the English from Virginia. Zuñiga urges the king "to command that the English in Virginia should be destroyed with the utmost possible promptness," and "when this news arrives here, altho' they may resent it, they will say that they ought not to have been there, because when I spoke with this king about their going to those countries he said to me, that he could not hold them otherwise than according to the Treaty, if they gathered together there they were liable to be punished."

Some days prior to March 26, the Council and Company for Virginia wrote a long and very important letter to the lord mayor (Sir Humphrey Weld), aldermen, and companies at London, urging them to take an active interest in Virginia, "as an action concerning God, and the advancement of religion, the present ease, future honor and safety at the Kingdome, the strength of our Navy, the visible hope of a great and rich trade, and many secrett blessings not yet discovered; we wholly commend the cause to the wisdom and zeal of yourself and your Brethren, and you and it, and us all to the holy protection of the Almightye." On March 26, the lord mayor issued his precept to the several city companies, inclosing a copy of this letter, and asking them "to make some adventure in so good and honourable an Undertaking." To this, many of the companies replied favorably. Ministers of the Church of England were now taking an earnest interest in the movement, and the enterprise was favorably mentioned in sermons by Rev. Richard Crakanthorpe, Dr. Morton, Dean of Gloucester, Rev. William Symonds, Rev. Daniel Price, and others.

The enthusiasm for Virginia caused by the change in the charter, form of government and other acts of the new company, was remarkable. Strachey says, "Not a yeare of a romain-jubile, noe nor the Ethnick-Queene of Ephesus, can be said to have bene followed with more heate and zeale; the discourse and visitation of it took up all meetings, times, termes, all degrees, all purses, and such throngs

and concourse of personal undertakers, as the aire seemed not to have more Lights than that holie cause inflamed Spirits to partake with it. Almost every religious Subject that stood sound indeed at the Coare within to Loialtie and to the profession of the present Faith brought his Free-will-offering, and professed then to throw his bread upon those waters.” Other writers tell of “the alacrity and cheerefulnesse in the Adventurers by free will offerings to build up this new Tabernacle in Virginia.” Zuñiga was almost beside himself; he wrote to his king repeatedly, urging him in every way “to give orders to have the insolent people [in Virginia] quickly annihilated.”

“Virginia Richly valued, By the description of the main land of Florida her next neighbour,” was edited by the Rev. Richard Hakluyt, one of the first charter members of the Virginia Company. In his “Epistle Dedicatorie,” dated 15 April (O. S.) 1609, to “the cheerfull adventurers, for the advancement of that Christian and noble Plantation in Virginia,” he writes, “This worke, . . . though small in shew yet great in substance, doth yeeld much light to our enterprise now on foot; whether you desire to know the present and future commodities of our countrie; or the qualities and conditions of the inhabitants, or what course is best to be taken with them.”

After reviewing the commodities he comes “to the second general head, concerning the manners and dispositions of the inhabitants; among other things, I find them here noted to be very eloquent and well spoken, as the short orations, interpreted by John Ortiz, which lived twelve years [1528-1540] among them, make sufficient prooffe. . . . But for all their faire and cunning speeches, they are not overmuch to be trusted, for they be the greatest traitors of the world. . . . They be also as unconstant as the wethercock, and most readie to take all occasions of advantages to do mischief. They are great liars and dissemblers. . . . And many times they gave good testimonie of their great valour and resolution. To handle them

gently, while gentle courses may be found to serve, it will be without comparison the best; but if gentle polishing will not serve, then we shall not want hammerours and rough masons enow, I meane our old soldiours trained up in the Netherlands, to square and prepare them to our Preachers hands."

Soon after John Ortiz was captured in Florida, in 1528, the Indian chief Ucita was about to have him put to death; but at the intercession of an Indian princess, one of Ucita's daughters, his life was spared. And again, when her father was about to sacrifice him as an offering to their god (they being worshipers of the devil), the same maiden rescued him again, taking "him halfe a league out of the towne by night, and set him in the way [to escape], and returned, because she would not be discovered."

Hakluyt in this tract virtually concedes to Spain that part of America south of 34° north latitude; while in the companion tract, which was translated under his direction, "New France," Virginia's next neighbor on the north, north of 45° north latitude, is conceded to France. These tracts, relative to Virginia's southern and northern neighbors, were prepared about this time, although "New France" was not entered for publication until June 22, 1609.

The new company was very active in every way in forwarding the movement. On May 5, Rev. William Symonds preached a sermon before the company.¹ On May 8, Robert Gray wrote "A Good Speed to Virginia" (which was entered for publication on May 13), going over much the same ground from a religious standpoint as "Nova Britannia" does from a business view. The author dedicates the tract to those interested in the plantation of Virginia, and assures them that "all posterities shall blesse and uphold their names and memories so long as the Sunne and Moone endureth."

In his discourse he dwells much on the importance of

¹ See *Genesis of the United States*, pp. 282-291.

having “ministers in the colony to resist popery which infests the mind with error, and the manners of men with disloyalty and treachery: artificers and tradesmen, for without them a commonwealth cannot flourish nor endure.” He urges “the preserving the unitie of the spirit in the bond of peace,” and against dissension among themselves, against deceit and fraud. “Seeing the beginning of a Commonwealth is now attempted, the foundation must not be laid upon fraud and deceit, for there can no good end be expected of an evil beginning.”

The sermon by Rev. William Symonds was entered for publication on May 14. Copies of these publications, giving the ideas of their authors, have been preserved.

The preparations for the voyages to Virginia were nearly completed. The one for finding a way to meet the second inconvenience — the length and danger of the old route — was ready first.

“For the discovery of a shorter way and to make trial of the fishing within our Bay and River,” Captain Samuel Argall, “an ingenious, active and forward young gentleman,” was selected. He “received the Council’s commission under their seal, with instructions (to avoid all danger of quarrel with the subjects of the King of Spain), not to touch upon any of his Dominions actually possessed, or rightly entituled unto, and to shape his course free from the road of Pyratts, that hang upon all streights and skirts of lands; and to attempt a direct and clear passage, by leaving the Canaries to the East, and from thence, to run in a streight western course, or some point near there-unto. And so to make an experience of the winds and currents which have affrighted all undertakers by the North.” His ship, of which Robert Tyndall, who had previously been to Virginia, was master, fell down the Thames from London about May 6, and he set sail from Portsmouth on the 15th.

May 11, Edward Reed wrote from London to Mr. Coke of Wedgnoek: “The sickness [the plague] increaseth. The Virginians go forward the next week.” May 13,

Cecil ordered the officers of customs to permit all goods passing for Virginia to be transported free of "anie Custome Impost or other Duties for the same." May 19, the Privy Council of England¹ request "the Colledge of Herauldes" to "marshall and sett in order the names" of sundry noblemen, knights, and doctors (principal adventurers), so that they could be entered in the Virginia charter in their due places and rank. All names were finally entered in due order, and the charter was signed and sealed on June 2.

To rectify the government — the first inconvenience — in Virginia, and to establish for the present a more absolute or stronger form, it was finally determined to send Sir Thomas Gates first, and, after hearing from Virginia through him, then to send Lord De la Warr, who was slated to be the lord governor. As soon as the charter was signed and sealed Gates received his commission as sole and absolute governor, with the authority of a vice-roy, and about June 8 hastened to join the fleet in the west of England, there staying for him. "Sir George Summers was commissioned as Admiral, and Captain Newport as Vice-Admiral of Virginia." Gates and Somers were appointed to reside in the country to govern the colony, and Newport was to continue to have charge of the voyages to Virginia. Seven ships of the fleet had sailed from Woolwich on May 25, and had reached Plymouth the 30th, where Sir George Somers, with two small vessels, awaited them. One of these vessels was the Virginia, of the North Virginia Company. Here the fleet took on sundry contributions of various members of that company and others of the west of England. Those of Sir George Somers, Sir Thomas Freake, and other friends, amounted to £940. On June 1, Will Stalleng wrote to Cecil that the fleet was about ready. Gates arrived prior to June 12, on which day they set sail from Plymouth.

¹ The heading to this in *The Genesis of the United States*, p. 308, should read, "The Privy Council to the Heralds."

This was the first fleet sent out by “the Company for Virginia in London.” As I have given an outline of this great corporation in “The Genesis of the United States,”¹ it will not be necessary to repeat it here. This account, as well as the foregoing, has been based for the most part on contemporary publications ; but evidence, then suppressed, recently discovered enables me to add the following important information : —

The party in England calling themselves “advocates of English rights,” “opponents of Spain,” “the best effected to the English religion and liberty,” “patriots,” etc., was not satisfied with the “barring our trade to the West Indies,” or with “the advancement of absolute power then aimed at in England by King and court.” “Whereupon many worthy *Patriots*, Lords, Knights, gentlemen, Merchants, and others held consultation [late in 1608 and early in 1609], and laid hold on this expectation of Virginia as a providence cast before them,” and in the petition for the new charter they determined to ask for several privileges which would aid them in carrying out “their ends.”

Sir Thomas Smythe was selected as the treasurer of the new company in England because he had sympathized with the Earl of Essex “when his Lordship went to appeal to the citizens of London.” Lord De la Warr, another friend of that Earl’s, was chosen to be captain-general in Virginia, and Sir Thomas Gates, who commanded the first expedition, had won his spurs under Essex. The leading managers of the movement under the company in England and in Virginia were members of “the patriot party.”

¹ See Preface, pp. viii.-x., text, pp. 207-237, and Biography, pp. 807-1070.

II

VIRGINIA, JULY — OCTOBER, 1609

*CAPTAIN JOHN SMITH, PRESIDENT OF THE KING'S COUNCIL,
JULY-SEPTEMBER. CAPTAIN GEORGE PERCY, PRESIDENT
OF THE KING'S COUNCIL, SEPTEMBER-OCTOBER*

CAPTAIN ARGALL set sail from "Portsmouth May 15, to find a more direct passage clear of the dangers of the West India route; shaped his course South-South-West to the height of 30°, leaving the Canaries a hundred leagues to the East he found the winds large, and so took his course direct West, and did never turn nearer the South: and being in the longitude of the Barmudos he found the wind a little scant upon him, yet so that on July 23, he recovered our harbor; and in tryall found no currant, nor anything else which should deter us from this way. He made his journey in nine weekes, and of that was becalmed 14 days." As soon as he arrived he was to make trial of the fishing. The desire was to make this voyage appear as short as possible. It took near ten weeks; but they say "nine," and it may be that he reached the coast on the 23d, and the mouth of the river on the 24th; or it may be that he arrived on the 23d, and had come down to the mouth of the river to fish on the evening of the 24th, when the Spaniards saw his ship. For he had found the colony in necessity and distress for want of victual, and he at once relieved them by fishing.

The sickly season had begun some weeks before the arrival of Argall, and the last supply, brought by Newport, had to go through the seasoning, which certainly carried many of them off.

Argall brought to Virginia the first news that the king

had agreed to grant a special charter to "The Company for Virginia in London." He found Captain John Smith the president and only surviving member of the King's Council in Virginia. Although this Council had the right to elect members to supply the places of those who died, it had so happened that Scrivener, Waldo, and Wynne, the other members, had all departed this life near the same time, and thus it had come to pass that the matter rested solely in the power of Captain John Smith, who had refused to have any assistants; and this was also a complaint against him.

June 19, 1609, Pedro de Ybarra, governor of Florida, under orders from the king of Spain, issued his order to Captain Francisco Fernandez de Ecija, of the garrison at St. Augustine (who in 1605 surveyed the coasts and bars as far as the Cape of San Roman, where he ransomed two Frenchmen from the Indians), "to embark on the ship *Asuncion de Christo* and explore all along the coast until he reaches $44^{\circ} 30'$ latitude, in order to locate the favorable points along the coast for erecting fortifications at such harbors¹ as may be available for sheltering His Majesty's fleets sailing out of the Bahama Channel on their return from the Indies to the kingdoms of Castile; so that we may avail ourselves of said places as belonging to the domain of the crown of Castile." And in order to "find out whether there are on said coast and ports, settlements of people of different nationalities [that is, who were not Spaniards], who may have occupied such places without any authority, only wishing to take possession of them and there exercise their piracy; so that we may take steps to avoid the many troubles therefrom likely to arise to the great injury of God our Lord, and of His Majesty, the King."

To his order the governor appended long directions for the voyage. After passing the Cape of San Roman, Ecija was to sail only by day, keeping always on the lookout,

¹ For places of refuge for the Spanish fleets constantly returning to Spain via the Gulf Stream.

going carefully ahead "to 37° 30' latitude, where the *first* English are suspected to be settled in the region which they call *Virginia*, and which is called *Bahia del Xacan* [Xacan = Axacan = Occoquan] in our language; there he shall exercise his utmost care to find out and see as much as possible.

"He shall likewise visit the isles in the Bay where people were found in the year 1586, when privateer Francis Drake took them with him on his way back to England, as he lacked help and was afraid lest he might come across the Spanish Armada at the mouth of the Channel; and with their aid he repaired and strengthened his vessels, according to the account of one of the prisoners, Pedro Diaz Franco, a citizen of Palma."

Ecija was authorized to actually attack any ship or ships, if he deemed it advisable to do so.

The *Asuncion de Christo* finally sailed from St. Augustine on June 26, 1609, under Captain Francisco Fernandez de Ecija, Ensign Juan Rodriquez de Cartaya (second in command), Ensign Juan de Santiago ("who in former days went to the coast of Virginia with Captain Vincente Gonzales"), Sergeant Juan Rodriquez of the artillery, Sergeants Millan and Miguel de las Alas, Corporals Garcia and Diego de Cardenas, Francisco de Salazar Y. Zuñiga (secretary), Andres Gonzales, the pilot, Domingo Rodriques, the boat-swain, Maria de Miranda, an Indian of Santa Elena (who had married Juan de Espinosa, a Spanish soldier), who went along as interpreter; and thirteen sailors and soldiers, being twenty-five in all.

July 4, while in the Bay of Santa Elena (Beaufort, S. C.), Descamacu, an Indian cazique, told them some vessel had passed the coast going northward a few days before.

July 6, they reached the Bay of Cayagua (Charleston, S. C.), where Alonso, an Indian converted to the Roman Catholic faith, who could speak Spanish, came aboard, and remained with them as interpreter several days.

July 8, they reached the river Jordan (All Saints, or

Winyah Bay, S. C. ?) where they remained a week, and while there had many talks with the natives, Maria de Miranda and the Indian Alonso acting as interpreters. The Indian chief told them that a vessel carrying a longboat at the poop had anchored near there thirteen days before. The Indian chief's brother told them that he lived at a village some twenty miles north of the Jordan ; that four days' journey to the north of his village, at a place called Doxe, the Indians had told him that about a day and a half's journey farther on, " in a region called Guandape,¹ the English were settled on an island in a river that empties into the sea. That said island was all surrounded by water, but was on one side in communication with terra firma. That in the port there were ordinarily ships, and about three months before there sailed from the same port seven ships, of which six sailed north and the other south ; that the latter had a flag hoisted, and that in the port there were some vessels in reserve. All this, he remarked, he had not seen with his own eyes, but had heard from the Indians of Guandape, who usually came and went where the English were. He likewise said that ordinarily ships were seen every day entering or leaving the port, and they came from the north. Upon being asked if we could see the English, he answered that he thought we could, for, from what he had been told, they were near the coast, and they could see us, because the island where they were fortified lay near the bar. And being asked if they had a fort, he answered yes, and added that he had heard that the fort was of wood. Besides this he was assured that the enemy were already confederate with the neighbouring Caziques, and had seven of them friendly and entertained them liberally, giving them clothing and an abundance of iron implements, and got the Indians to do the sowing, as they (the English) did not busy themselves with sowing, but with fortifying."

" Francisco de Salazar Y. Zuñiga, took down in writing, word for word, every thing the Indian said."

¹ See *Narrative and Critical History of America*, vol. ii. p. 285.

While here the Spaniards ransomed "Juan Corbe," a Frenchman, born at Havre de Grace, who had been with the Indians so long as to have forgotten his native language, and could speak only the Indian tongue. The Spaniards had been told of this Frenchman by the two ransomed in 1605. He was with the Sati (= Santee = Sañti) Indians, and was evidently from the old (1562-65) Huguenot settlement in Florida.

They sailed from "the Jordan" on July 15; the captain, being convinced of the accuracy of the Indian's grand account of the English settlement, was very much troubled, and at four o'clock that afternoon called a council of his officers, with whom he had a long consultation. It was finally determined to go on; but to enter the Chesapeake under false colors, and pass as a ship from Amsterdam.

They doubled the Cape of San Roman (Cape Fear, N. C.) on the 17th, and sailing only by day, at once began seeing "signals made by means of smoke along the coast." July 18, the ship was dressed in her false colors, and the captain made his men a speech. The same day they passed Cape of Trafalgar (Cape Hatteras). July 19, they came to Cape of Engaño, and anchored near there until Monday morning the 20th, on which day "they discovered a Bar, where the English, as we heard, were settled, and where they had been in previous times."¹ They now continued on very slowly, feeling their way, constantly seeing "signals made by means of smoke," which they concluded were made by the English and not by the Indians, and became more and more greatly alarmed at the apparent large number of the English.

July 24. "We came to the Bay of Xacan [Axaçan = Occoquan²] at five o'clock in the afternoon. When we were at a short distance from its southern promotory [Cape Henry], the man on the lookout spied a ship anchored in the Bay. As it was already late the Captain ordered us to anchor and forbear entering until another day." But they

¹ Roanoke Island?

² See *The Genesis of the United States*, p. 947.

slept little that night. The captain called another council and had another long consultation; every officer gave in his views. They were all most anxious to serve "God our Lord and His Majesty the King, and to carry out the orders of the Governor in the King's name." But the Indian's account, the signal fires, and now this ship which they thought "one of such vessels as are assigned to guard the coast, had convinced them all that they did not come properly prepared for the task assigned them."

At break of day on the 25th—"the day of St. James in whom we trusted"—a sailor saw from the top of the mast the same ship in the same place. "Hence there was no longer any doubt left that we were confronted by a hostile ship which was on guard."

Evidently the Spaniards did not go far enough into the bay to see the mouth of the river; but "Ensign Juan de Santiago and others, who in former days went thither with Captain Vincente Gonzales, said just where the ship stood there flows in a deep river." The narrator, Zuñiga, says that the English ship sailed out after them and got near enough for them "to see that she carried two main-top-sails and a Flag, and that she was long and high;" but the Spaniards were then sailing away too swiftly to enable them to see clearly, as the ship must have been Captain Argall's small ship¹ which had recently arrived.

That night they held another long conference, and determined not to attempt to enter the bay, and not to proceed on to the region of the second English colony. "Their ship was so small and leaky," they said, "and all knew that the main mast was sprung so that it was necessary to strengthen it with ropes." And finally, "that God our Lord and His Majesty the King would be best served by our going back" at once and reporting the valuable information which they had already found out; and on Sunday morning, July 26, they began to retrace their course for St. Augustine, Florida.

¹ Or a phantom ship, or some ship of which we have no other record.

The first fleet sent out under the first company charter sailed from Falmouth, England, June 18, 1609, in nine ships with the better part of 500 people, — men, women, and children. The *Sea Adventure*, Captain Christopher Newport (wherein were Sir Thomas Gates and Sir George Somers); the *Diamond*, Captain John Ratcliffe and Captain King; the *Falcon*, Captain John Martin and Master Francis Nelson; the *Blessing*, Captain Gabriel Archer and Captain Adams; the *Unitie*, Captain Wood and Master Pett; the *Lion*, Captain Webb; the *Swallow*, Captain Moone and Master Somers; the *Virginia* (of the North Colony), Captain Davis and Master Davis; and the *Catch*, Master Matthew Fitch. They sailed via the Canaries route; while in the tropic in the month of July many fell sick of the calenture or yellow fever, and out of two ships thirty-two persons were thrown overboard. In addition to this the London plague is said to have broken out on the *Diamond*. In the midst of this trouble, upon Saint James Day (^{July 25}/_{August 4}) in crossing the Gulf of Bahama (the Gulf Stream near the Bahama Islands) a most terrible tempest "which endured fortie four hours in extremitie" separated all of the fleet one from another.

Five or six days after the storm, the *Blessing*, the *Lion*, the *Falcon*, and the *Unitie* (on which ship nearly all were sick) came together and laid away directly for Virginia and fell into James River on August 21. A few days thereafter the *Diamond* arrived, and within three or four days the *Swallow*. The *Catch* was lost at sea, and the *Sea Adventure* wrecked on the Bermudas. The emigrants brought were chiefly artisans of all sorts.

Captain Henry Hudson in the *Half Moon*, in the service of the Dutch, searching for the ready way to the South Sea, was off our coast between 36° and 40° north latitude, from about August 19 to September 13. On August 28 he came over "the Barre of Virginia," and near to "the entrance into the King's River in Virginia, where our Englishmen are," but he did not enter. September 5 and 6 he

was taking soundings, bearings, etc., “along the Banke of Virginia,” which agreed with those taken by Robert Tyn-dall.

The king, in the new company charter, had ordered that as soon as the governor or principal officer appointed by his Council for the company “shall arrive in Virginia, and give notice unto the colony there resident of our pleasure in this behalf, the government, power, and authority of the President and Council, heretofore by our former letters patents there established, and all laws and constitutions, by them formerly made, shall utterly cease and be determined,” etc. But it so happened that the governor and other principal officers appointed were all on the Sea Adventure; they did not arrive at this time, and, of course, the first charter and the king’s form of government remained in force as the only legal authority in Virginia until they did.

Under this form, upon the death or removal of the president or any member of the Council, it was lawful for the major part of that Council to elect another in the place of the party so dying or removed, so always as they shall not be above thirteen councilors, “and we do establish and ordaine, *that the President shall not continue in his office of President-ship above the space of one year,*” etc.

Smith’s history gives two accounts: first, that Ratcliffe was deposed about August 2, when Captain Smith took his place and substituted Mr. Scrivener in the presidency; second, that “Smith tooke upon himself the place of President on Sept. 20th 1608, which till then by no means he would accept,” etc. Smith and Scrivener had the right, as they were the majority under the then form of government, to depose Ratcliffe, not only from the presidency, but from the Council, also, and to select one of themselves as president; but there could be no substitution, and if the first account is correct, Smith’s term of one year had expired about August 2, before the fleet arrived. If the second account is correct (and there is reason to think it was, as to the date), then his term did not expire until September 20,

1609. Owing to these conflicting statements (which were the grounds of other complaints against Smith) and other contentions, the new supply "being no sooner well landed," says Percy, "but presently a discencyon did grow between them and Capt. Smith, then President, but after some debate all was quieted and pacified." Smith was to remain undisturbed as president until September 20, and Captain Francis West was chosen to succeed him.

Captain Samuel Argall was successful in fishing for sturgeon, and when he sailed for England, about September 10, he carried sufficient testimony as to the value of this commodity both of the flesh and caviare. He also carried Archer's¹ and other letters, with accounts of the condition in which he had found the colony, and in which he had left it.

Percy says that Smith, about this time (after the sailing of Argall), fearing that the newcomers would become too strong for him, "so juggled with them by the way of feastings, expense of much powder and other unnecessary Tryomphs. That much was spent to no other purpose but to Insinewate with his reconciled enemies and for his own wayne glory for the which we all after suffered. And that which was intollerable did give leave onto the Seamen to carry away what victuals and other necessaries they would — doing the same more safely in Regard the contents thereof (the bills of loading) was in the Admiral [ship] which was cast away."

During the lull Captain Smith, then president, sent Captains John Martin and George Percy with sixty people to Nansemond. They sent two messengers to the king of Nansemond offering to trade for an island at the mouth of the river; the Indians killed them; Percy landed with half of the men, took the island (probably "Ragged Island"), burned their houses, ransacked their temples, etc. The savages on the mainland and Captain Martin also fell into dissensions, and the English finally all came together on

¹ See *The Genesis of the United States*, vol. i. pp. 328-332.

the island. "So having seen Capt. Martin well settled [on the island] Percy returned with Capt. Nelson to James Towne again according to apoyntmentte."

About the same time that Martin was sent down the river, Captain Smith sent Captain Francis West with "about 100 men" up to the Falls, where the Indians soon killed and wounded some of them. "So that in small process of Tyme, Capt. Smith did take his jorney up to the Falls to understand how things were there ordered, when presently after his comeing thether A great devisyon did growe amongste them. Captain Smith perceaving both his authority and person neglected, incensed and animated the salvages against Capt. West and his Company, reporting unto them that our men had no more powder left them then would serve for one volley of shot.

"And so Capt. Smith returning to James-Town again, found he had too much powder about him. The which being in his pocket where the spark of a match lighted very shreowdly burned him. And comeing in that case to James town Captains Ratcliffe, Archer and Martin deposed him of the government.¹ . . .

"Smith being an Ambityous, onworthy, and vayneglorious fellowe attempting to take all mens authoreties from them for [although?] both Ratlief, Archer and Martin being of the former Cowncell [had equal authority?] Smith wolde rule all and ingrose all authority into his own hands. Although indeed there was no other certeine apointed government then (For Sir Thomas Gates had comissyon who was then on the Bermudes), onely a yearly presidentship to govern by the Advyse of the Cownsell but Smith aymeing at A Sovereaign Rule without the assistance of the [other members of the?] Cowncell was justly deprieved of all."

Captain West, who had been selected for president, being then settled at the Falls, the other members of the Council, having deposed Smith, now elected Percy to the

¹ See Spelman's account in *The Genesis of the United States*, p. 484.

Council, and then chose him for the president, to act until the legal authority under the last charter arrived, "and then was Smith presently sent for England."¹

This happened on or about September 23, — that is, about two weeks after Argall sailed for England. Smith's term as president had expired; but retaining the original royal commission in his possession, he was unwilling to give up his authority, and aimed to set up "a sovereign rule" in Virginia. The other councilors knew that this instrument had been canceled in England; but they also knew that it had been executed by the king himself, and that it was the only authority in the colony until the company's commission revoking it arrived; thus the conditions were so uncertain as to make them feel there was "no certain appointed government," so that they hesitated to take it from Smith by force; and thus in these "discencyons" he (holding the king's commission) held the whip-handle for a time. Smith, in his history, says that he finally told them "he was not unwilling they should steale it, but never would he give it to such as they," etc.

Percy may not have stated the case very clearly, but as we have the original commission, etc., we can see for ourselves that he was in the main correct. Ratcliffe, Martin, and Archer, being the major part of the Council, had the right under the original authority to remove Smith from the presidency even before his term expired, and from the Council also, and to elect another president in his place. The difficulty was the uncertainty then felt as to the "appointed government."

With these "discencyons" Captain Smith's career as an actor in South Virginia, under the crown, came to an end. After this his position, as to South Virginia, was mainly that of an author in England, criticising its management, under the company, until it was resumed by the crown.

¹ See, also, the extracts given from this "Relacyon" in the sketch of Percy (who had been with Smith in Virginia from the beginning), in *The Genesis of the United States*, p. 964, and Ratcliffe's letter, *ibid.*, pp. 334, 335.

From four hundred and seventy-five to five hundred men, women, and children were sent to Virginia in the first fleet of the Company in London, with supplies for six hundred people (the emigrants and those already in Virginia) for one year. The supplies for the most part were ruined or damaged by the tempest. The *Sea Adventure*, with all the chief officers, and from one hundred and fifty to one hundred and eighty emigrants, was wrecked on the Bermudas. The *Catch*, Master Mathew Fitch, with all on board (about twenty) went down at sea. Four of the ships were infected with the calenture (yellow fever) and the London plague; from sixty to ninety had died at sea, and only from one hundred and eighty-five to two hundred and seventy arrived in Virginia at this time, where they found less than one hundred and nine. They landed in the midst of the sickly season; they brought the pestilence with them; their supplies were badly damaged, and they found no adequate means to relieve them. They fell upon the small corn crop of the colony, "and in three days, at the most, wholly devoured it."

Owing to the scarcity and condition of the supplies, and the sickness of the colonists, Captain Smith, then president, for their better relief, divided them into three parties. Of these, as before stated, the companies of West at the Falls and of Martin at Nansemond at once became involved in a war with the Indians, who cut off "neere halfe their men," took their boats, and forced the remainder at the end of six weeks (about October 12) to retire to Jamestown; while of the third division, which remained at Jamestown, "one hundred sickened and halfe the number died." We have not the exact figures; but from the contemporary evidences it may be set down as certain that the end of September, 1609, saw less than three hundred English living in Virginia, and that they were in a most deplorable condition; but in after years several writers, for sundry reasons, which will be explained hereafter, deemed it advisable, in the interest of the ideas of the king, or for

personal or other motives, to assert that the colony had been brought to a good state of forwardness. Nevertheless, no human being can justly be held responsible for the actual state of affairs. The emigrant to Virginia really took desperate chances; if he escaped the London plague, with which he was apt to be infected, the scurvy, the fevers of the tropics, the dangers of the sea, and the sickness of the country, then the Indian stood ready to murder him in his weak and enfeebled state.

In Smith's "General History" a glowing account is given of the condition which the colony had attained unto under the king's form of government, as administered by himself, when he left the country. And then a sad picture of "what happened in the first government after the alteration in the time of Captaine George Piercie their Governor."

Captain John Smith's actual authority in Virginia extended from the death of the major part of the Council in January, or February, 1609, to the arrival of the other surviving members (the majority) in August; and so far as he is concerned the question is as to the condition in which the colony was found by Argall in July, and at the arrival of the fleet in August. And so, while the glowing account is not true, it is needless to argue the matter. Smith left the colony in no better condition than Argall and the other captains had placed it, and no credit can be given to him for the men or supplies brought by them from the new company in England. Although the royal charter had been superseded in England, and although this was known in Virginia, the king's form of government really continued during "the time of Captaine George Piercie," as president. Smith's taking credit to himself, and the period of the royal form of government for men and supplies sent under the popular charter, and then throwing the responsibility on the new form of government for the troubles of Percy's time, is in line with the rest of his misleading account of our foundation.

From the original evidences written prior to 1611, which

were free from subsequent influences, it is certain that the colony never prospered during the period in which it was definitely under the king's form of government, either in the presidency of Wingfield, Ratcliffe, or Smith. And no one can know that any one would have done better than Percy under the peculiar circumstances of the subsequent period of indefinite government, for there was a providence which was shaping our destiny from the first.

It was providential that all of the members of the Council under that government were not capable, modest men who were not given to outrages or follies of any kind, and it was providential that the king's form of government had resulted in failure, for it was owing to these facts that the new company was formed and the popular charter granted. If there had been no factional spirits in the Council, if the government had been a success, the colony would have remained thereunder; the king would not have granted the new charter (even if he had been asked to do so), under which the new form of government was afterwards instituted in Virginia; the seed of popular rights would not have been planted at that time (if at all) in America, and the United States might not now be in existence. Our destiny would have been shaped for other and unknown ends.

III

ENGLAND, JUNE — DECEMBER, 1609

*PREPARATIONS OF LORD DE LA WARR TO SECOND GATES
INTERRUPTED BY THE BAD NEWS FROM VIRGINIA*

JUNE 8, 1609, instructions were given to Captain Thomas Holcroft to negotiate the business of the Virginia Company with his Majesty's subjects in the Free States of the United Provinces, in which the past and future of the business is outlined. A resolution had already been taken to prepare ten ships and one thousand men to attend Lord De la Warr in the end of August, and his Majesty's subjects and others in the Netherlands were now to be invited to join the expedition. As Gates signed this document, he had not then left London.

Tobias Matthew, Archbishop of York, writing to the Earl of Shrewsbury on June 18, "of our religion," etc., says: "For of Virginia there be so many tractates, divine, human, historical, political, or call them as you please, as no further intelligence I dare desire." In addition to the publications already mentioned, the sermon delivered by Rev. Daniel Price on June 7 was printed about this time, and P. Arondelles' translation of "Nova Francia" shortly thereafter. There had also been recently printed another broadside for circulation, the only remaining copy of which, so far as I know, is now in the Lenox Library, New York. "There is no imprint, but it is folded and inserted in one of the copies of Nova Britannia of 1609." In the original, blanks are left to be filled in with written date, address, and signatures. In this copy the date and address — which were probably to be added, when used, by a clerk — have not been filled in; but at the end the original autograph signatures remain.

“Considering there is no publicke Action, being honest and good in itselfe, and which tendeth to the generall good and benefit of this Commonwealth, but that the same is also beneficiall and good in some degree, to every particular Member thereof, we thought it therefore requisite, to impart unto you (as we have done likewise to many other Cities and good Townes, within the Land, whom it may in time very much concerne) how many wayes it hath pleased God to encourage us to goe on in that great worke and enterprise of planting Colonies of our English Nation in those parts of AMERICA, which wee commonly call VIRGINIA, or NOVA BRITANNIA; *First*, by moving the heart of his Majestie, to grant many gracious Priviledges under the great Seale to all that will adventure or undertake to further the same; and *secondly*, by stirring up so many honourable minded Men, Lordes, Knightes, Marchants, and Gentlemen, so willingly to engage themselves, that besides three severall Discoveries, which wee have formerly made, and have already settled there some few hundreds of our People; we have likewise again within these few days, sent thither the better part of a thousand voluntary men, furnished with nine sayle of shippes, and all necessary Provisions, fit for so great an Action, the charge and expence whereof (though it amounts to many thousand pounds) is already clearely defrayed with present money, without being indebted for any part thereof; And which is not the least respect of God’s providence, and an undoubted argument unto us of Divine approbation, is that the Natives of that Country, being poore Heathenish people, without the Knowledge of God (which is the true light of Reason) are so desirous to embrace a better condition, and for that they find the gentle disposition of our people to give them such content, that they doe willingly entertaine us with Kindness and love — and their greatest King POWGHATAN, by the testimony of Captaine NEWPORT, and of other Captaines that have lately come from thence, hath granted Freedome of Trade and Commerce to our English

people, to Plant, fortifie and possesse at our pleasure in any part of his Country, with condition to be loving to his people, and to defend him from his enemies; witnessing the same by accepting a Copper Crowne presented unto him, in the name of King James, and set upon his head by Captaine Newport: And yet another and no lesse Argument of God's favorable assistance is this, that sundry Noble minded men in their owne persons, doe so willingly undertake (by God's permission) the present conduct and perpetuall Plantation of this People there, as namely the Right honourable and Religious, Sir THOMAS WEST, LORD DE LA WARR, Lord Governour and Captaine Generall, with SIR THOMAS GATES, Lieutenant Generall; and SIR GEORGE SOMMERS, Admirall of VIRGINIA, and Captaine CHRISTOPHER NEWPORT, Viz-Admirall. All beeing well Knowne to be Knights and gentlemen of great worth, for speciall Services to God and their Countrie, who besides the furnishing their owne Traine and private Provisions, have layd downe and brought into the common Stocke, many hundred Pounds in ready money, and for that the said Knights, *Sir Thomas Gates, Sir George Sommers,* and Captaine *Newport*, with their Shippes, Men and Provisions aforesaid, are now on their way, and departed the Coast of England: We doe further let you Know, that our purpose is (God willing) by the Conduct of the Right Honourable LORD DE LA WARR, with all convenient expedition, to make a new Supplie of men and shippes, with all necessary provisions to second them, in as large and ample manner, and by all the helpe and means we can procure, either of ourselves which are already interested, or by any new Associates that will therein conjoyne with us, upon such hopefull grounds of future good, as by such an effectuall Plantation, may the sooner succeed unto us.

“And therefore if it shall seeme good unto you, with your friends and neighbours to admit a conference as well with your Townesmen of [name of town] as with the Gentlemen and others of your Countie, such as be best affected

to further such honest publicke Actions, and doe resolve among yourselves, to raise such competent summes of monie, as severall men shall thinke good to adventure, and shall put the same into the Common Stocke amongst us, we shall willingly accept and admit you into our fellowship and freedome, to participate with us in all equall priviledges and profites, both of the Lands in Virginia, to you and to your Heires, and in all the gaines of Goodes, Marchandizes, Mynes and Mynerals, and whatsoever other benefite shall be raised thence, after the rate and proportion of your stocke adventured, and for which your Towne shall receive from us a Bill of Adventure, under the Seale of the Company; the Copie whereof wee have sent you here inclosed to peruse, being such, as we have given to all other Adventurers, and are likewise now to give the same to all the severall Companies in London, which lately at the motion of some of the Honourable Lordes of his Maiesties Privie Councell, and by the diligent endeavour of the Right Honourable Sir HUMPHREY WELD Lord Mayor of London, are become Adventurers with us, and have put in amongst us a Joynt Stocke for the use of their severall Corporations.

“Of which, so many of them, as also of you, as shall bee pleased to adventure a single share a peece, which is twelve pound, tenne shillings, or a double share of twenty-five pound, or more, shall each of them receive a bill of Adventure, for so much in their own particular names: Whereas all others for lesse Summes of money, doe come in as Sub-adventurers under that generall Bill of Adventure, to be given to that Towne or Corporation, whereof they are members.

“And for that wee cannot herein without beeing too tedious describe our project more fully, nor shew in particular, how acceptable to Almighty God, how comfortable to so many blinde soules, that live and die in ignorance for want of light, how profitable to this whole land, and beneficiall to every one of us this enterprise (by Gods blessing)

may in short time shew and manifest itselfe ; we have also sent you annexed hereunto, some few of our Printed Bookes [Nova Britannia], which by reading and divulging the same among your friends, will further enforme you of each particular.

“ And whereas you shall therein reade, that we purpose to maintaine and carry all in a Joynt Stocke for seven yeares, and then to devide the lands, &c. Yet we thought it meete to let you know, that the Stocke and Marchandize which shall arise from thence, we purpose sooner and so often as the greatnesse of it shall surmount the charge, to make a Divident and distribution thereof to every man according to his Bill of Adventure.

“ And further wee doe assure you that it is no way our purpose or meaning, to enforce or cause any man, having once adventured, to adventure or supply any more, except of his owne motion and willingnesse he shall be so disposed, neyther shall he loose his former adventure, for we doubt not (by God’s helpe) but after the second returne from thence, to have sufficient matter returned to defray all charges of new supplies, and to give satisfaction to men that have adventured.

“ And so leaving it to your wise and best advised consideration, when we shall receive your annswere, which wee pray with your convenient expedition may be returned to SIR THOMAS SMITH in Phil-pot Lane in London, Treasurer for the Colonie, you shall then finde us ready to performe in what we may, to your best content.

“ H. SOUTHAMPTON ¹	PEMBROKE
THO. LA WARRE	R. LISLE
G. CAREW	W. WAADE
THO. SMYTHE	WALTER COPE
G. COPPIN	THO. ROE.”

¹ [Henry Earl of Southampton, Lisle, George Lord Carew, Sir Wm. William Earl of Pembroke, Thomas Wade, etc.]
Lord De la Warr, Robert Viscount

July 5, Zuñiga wrote to the King of Spain a letter about the Virginia business in which he says that Lord De la Warr's expedition had been put off until the spring, and that the members of the Council of Virginia were following the instructions of Sir Walter Raleigh, with other things relative to Virginia, including a chart of the country which has not been found.

The preparation for Lord De la Warr's voyage continued; but few of the particulars have been preserved. Andrew Buckler, of Wyke-Regis, who had been to Virginia, was getting ready to go again, and Sir Richard Morrison proposed to Cecil to allow "the Irish pirates" to be employed in that plantation.

November 7, Henry Hudson in the *Half-Moon*, a Dutch ship, arrived at Dartmouth from the coast of Virginia and from Hudson's river.

About November 21, Captain Samuel Argall returned from his voyage to South Virginia, and two days thereafter Zuñiga made his report on this voyage to his king, telling him that "those here who maintain that colony wait for some of the ships that are over there to return here and then, I think, they will send more," etc.

Early in December, the remnant of "Sir Thomas Gates his fleet," reached England, with Captain John Smith and full reports showing conclusively that the colony had been found in a most deplorable condition in August, 1609, and had been left in but little better. The supplies carried over by the fleet had been destroyed or damaged by salt water during the tempest, and wasted after landing; the colony had been left without sufficient ammunition, provision, or comforts of any kind — with a terrible disease (the yellow fever, or London plague, or both) raging at Jamestown. The colonists were at war with the Indians, and "the Indian was as fast killing them without the fort as the famine and pestilence within;" the legal governor had not arrived, and so far as was then known never would. "The hand of God was heavy on the enterprise," and "the

hand of God reacheth all the earth ; who can avoid it, or dispute with Him ? ”

“ The letters of discouragement and the bad reports ” brought by these ships “ caused many of the adventurers to withdraw themselves in despaire of the enterprize : ” and the work was afterwards carried forward in England by a comparatively small number of “ Constant Adventurers.” “ Notwithstanding it lessened much the preparations, yet it hindred not the resolution of that honourable Lord (appointed Lord Governour) the Lord La Warre, to goe in his own person,” etc.

The return of this fleet marks the beginning of the real crucial period of our earliest history. In the first stage the adventurers and planters had been sustained by hopes of a ready way to the Pacific Ocean and to East India, of a favorable climate in Virginia, of gold, silver, copper, iron, and other present profits, and these hopes had been fanned from time to time with promises of fulfillment, but they had not been realized ; while the dangers and difficulties by sea and by land, in England, *en route*, and in Virginia, were now too well understood to be dissembled, and dissatisfied planters began to desert Virginia whenever they could, and disappointed adventurers to withdraw from the company, refusing to pay their dues, — “ by whose unconstancie the hope of that Plantation, together with the lives of our people there, had then utterly perished, had not God’s secret purpose been more strongly fixed to uphold the same.”

Those “ constant adventurers,” “ who were never discouraged, nor withdrew themselves from *weekly Courts* and meetings, yielding their purses, credit and Counsel, from time to time, to make new supplies even beyond their proportion to uphold the Plantation,”¹ and those “ faithful planters ” who remained in, and who afterwards went to, Virginia regardless of all diseases and disasters, — these men who remained true to the enterprise and continued to

¹ *The Genesis of United States*, vol. ii. p. 776.

aid in carrying the movement surely on to final success, were the real founders of the new nation in the New World, and not those who failed to continue in the undertaking in the time of its greatest need.

The honors are due to those patriots who devoted their lives to carrying on the work ; who fought the battle ; who fell on the field ; who finally won the victory, and who, regardless of the expense, criticism, and traduction then meted out to them, laid the foundation of the new republic in America which is now a blessing to their posterity.

IV

VIRGINIA, OCTOBER, 1609 — JUNE, 1610

*CAPTAIN GEORGE PERCY, PRESIDENT OF THE KING'S COUNCIL
TO THE ARRIVAL OF THE FIRST GOVERNOR UNDER THE
COMPANY, SIR THOMAS GATES, IN JUNE, 1610*

PERCY, who still suffered from the malaria during the sickly season, was not well when Smith was deposed from the Council, and, at first, in regard of his sickness, refused the principal place of government ; but upon Ratcliffe, Archer, and Martin promising to undergo the chiefest offices and burthen of government for him until he recovered, he at length accepted the place. Martin had then returned to Jamestown, and West returned from the Falls about October 12, at which time the frost had tempered "the sickness of the country ;" but the colonists continued to suffer from the plague, or some other pestilence.

About this time Captain John Ratcliffe was sent to raise a fortification on Point Comfort, and Captain James Davis and Master Davis arriving in the long lost pinnace, the *Virginia*, of North Virginia, with "some 16 proper men," on October 13, were added to Captain Ratcliffe's company. This was the first fort built on Old Point Comfort (near the present site of Fortress Monroe) ; it was named by President Percy, "Algermoune Fort," for William de Percy, the founder of the family in England. He came over with William the Conqueror (being in high favor with him), in 1066, from the village of Percy, near Villedieu ; his surname was Algermoune (or Alsgermons, William with the whiskers). He went on the first crusade (1096) and, being taken ill, sustained himself until he reached Mount Joy, the celebrated eminence whence the Pilgrims of the Cross first viewed the Holy City ; beheld Jerusalem, and then died.

The Diamond, Falcon, Blessing, Unitie, and Lion, sailed from Virginia about October 14, 1609, taking Captain John Smith, who had been on board ship for about twenty days; about thirty of those unruly youths sent from England in the fleet, as they were not wanted in Virginia; letters from Ratcliffe and others; accounts of the condition of the colony, the loss of the Sea Adventure, etc. The Swallow and the Virginia were left in the colony to procure them "victuals whereof they were exceedingly much in need." There were then remaining in Virginia less than 250 people, who were at war with the Indians and in want of ammunition. The hand of God was heavy on the colony, and the hand of God reacheth all the earth. "Who can avoid it, or dispute with him?" Still his hands are always the best hands, and it was always for the best that our destiny was in his hands.

Juan Corbe, the Frenchman, who had lost his native language and could speak only Indian, was by continued practice with Juan Rodriguez enabled to recover somewhat his native speech, and on the first day of the return voyage of the Spaniards to St. Augustine was able to tell the captain what "he had heard from the Indians about the English settlement." He said that three Indians, from Guamuyhurta and Quixos, who had been there, told him that the English had built a fort of wood, and that the settlement consisted of wooden houses; that the English had two big ships mounted with artillery, as if they were castles for the guard of the fort, and two more as guards and sentries for the bar at the mouth of the river, without mentioning others that kept coming and going; "and that there came every year from England a ship loaded with provisions and ammunitions."

August 4 and 5, Tuesday and Wednesday, they encountered a fierce tempest; there blew from the southeast such a gale, the sea ran so high, that they were unable to right the ship and were compelled to scud under bare masts "and commend ourselves to the mercy of God." This was

the same tempest which the fleet of the Virginia Company encountered at the same time. The old style (English) St. James Day (July 25), at this time, came ten days too soon. And it was this constantly growing discrepancy in the dates of the holidays which was one of the reasons why Pope Gregory XIII. deemed it so important to have the calendar altered in 1582, so as thereafter to have uniform and correct dates.

They had a very hard time beating their way back against wind and current. On August 15, while at Cape San Roman (Cape Fear), "they commended themselves to our Lady of Consolation, promising Her a procession in Her honor, vowing Her a Mass and Vespers, and praying to Her that she would send favorable winds. And lo! just before day the next morning the wind by God's mercy set in from the North." Still they were five days reaching the river Jordan, where the same Indian repeated the same story as formerly told about the English. And "the Spaniards comparing his distances with their maps [which placed the colony at about 37° 30' north latitude] found that they were right."

August 28, while in the Bay of Cayugua (Charleston, S. C.), another Indian told the captain through the Frenchman that he had been "in the settlement of the English, where there lived many people, and that they had a fort." But when Maria de Miranda questioned him, he denied having seen the English, said he did not say so, and that the Frenchman had lied. The Frenchman insisted that he did say so, and finally the captain put the Indian in shackles, "so that we might see what time would bring about." On the next day the Indian said that he had been to the English and did tell the Frenchman as stated; that he had afterwards denied partly through fear and partly because he thought "they had asked him about another people living in an inland place called Guatan [Croatan?], of whom they had intelligence. Further questioned what people that was, he answered that they were Spaniards [the

coast Indians sometimes called any European a Spaniard], and that they had negroes with them. Being asked many questions on this point and others, he begged not to be questioned any further for the present, adding that if they would let him alone he would search his memory."

September 4, the captain engaged Alonso and two other Indians to go to the English settlement, notice everything, and report to him within fifty days at St. Augustine. "And the Indian Alonso will keep his promise, because he is a Christian," that is, a Roman Catholic.

They spent more than a month coming down the coast treating the Indians, talking with them about the English settlement, and probably inciting them against it. September 20, when at the village of Yoa, they heard mass by Father Fr. Juan, who had come down from his Indian mission to see Captain Eciija. They returned to St. Augustine on September 24, "with Infinite thanks to God forever and ever more." On October 15, "the christianized Indian Alonso," with five other Indians, reached St. Augustine and reported that he had gone five days to the northward; but had been forced to return by the Indians at "Guano." The governor then engaged other Indians to repeat the attempt, and report in seventy-three days. November 15, "the christianized Indian Alonso," having received many presents, left St. Augustine, promising the governor to make another attempt and "to bring back whatever positive news he may have gathered."

The report of these things was sent by Pedro de Ybarra, the governor of Florida, to the king of Spain about the last of November, and probably reached him in January, 1610. The exaggerated account of the strength of the English settlement, so near to the Gulf Stream, which was the route of the Spanish fleets on the return from the Spanish settlements in America, was discouraging; yet its accuracy must have been called in question by the reports received by the king from England. On the other hand the difficulty of sailing the route from Virginia to the West

Indies, although not unknown to the Spaniards before, must have been grateful to them.

The impression made on my mind is that the Indians from up the "Rio Jordan" (which in this instance was the Pedee) really knew something about the English settlement, and that they were giving the Spaniards exaggerated and misleading accounts for some purpose. These Indians, and the Monacans above the Falls of James River, belonged to the same Siouan tribes of the East. They generally gave to the Spaniards, as their informants, the Indians of the "Doxe" settlement, "four days Journey north" of the Pedee River. This may have had reference to the "Dogi" of Lederer, or to the "Dusge-owa," — as the Tuscaroras were sometimes called, — to which nation the Monacans are said to have belonged.¹ The Roman Catholic Church had missions among these Siouan tribes in Georgia and South Carolina. The Spaniards traded with and seem to have been on friendly terms with those along the coast at least as far north as Cape San Roman. "The christianized Indians" who left St. Augustine on October 20 for Virginia should have reached the neighborhood of Jamestown in November, and they may have been instrumental in farther incensing the Virginia Indians against the colonists,² during the winter of 1609–1610. The influence of Roman Catholics over the Indians probably extended beyond Virginia, and that the Spaniards were willing to exert that influence against the effort for securing a part of the New World for Protestantism cannot be questioned.

In December, 1609, Captain Ratcliffe in the Virginia and Captain West in the Swallow, with about twenty-five or thirty men each, went to truck for corn with the Indians. Ratcliffe left his pinnace in the river, and with sixteen men

¹ See Bulletin No. 22 (Bureau of Ethnology, Smithsonian Institution) *The Siouan Tribes of the East*, by James Mooney.

² The report ends before the time for their return (and for the return

of Alonso) to St. Augustine, and I have found no other reports in the premises; but this one is sufficient to show that the English colonists had to contend against the influence of Spain in America, as well as in Europe.

in his barge landed at Werowocomoco in the Pamunkey River. While loading his barge with corn the Indians led him into an ambush (in which Alonso may have aided), killed him and all those with him save William Russell and Jeffery Shortridge (who escaped to Jamestown by land), and took his barge. The pinnace and nine men returned empty to Algernonne Fort. West was more successful in obtaining corn, but instead of returning to Jamestown, determined to go to England with the ship, which he did about January 2, 1610, and after cruising about for some time finally landed at Lyme in England in June, 1610.

Percy says that one month of the winter of 1609–1610 was as cold as it was during the severe winter of 1607–1608, when “more than half died.” The state of affairs in Virginia was deplorable. The Indians refused to trade; as a matter of fact they always lived from hand to mouth, seldom raised more than enough for their own use, and had not much victual for trade at any time. But they were now waging a war of extermination against the English, in which they were probably aided by the Southern tribes, under the instigation of the Spaniards, as well as by other most favorable circumstances — the famine and pestilence killing the colonists as fast within the walls of Jamestown as the Indians were without. From October 14, 1609, to June 20, 1610, about 150 (including Captain Gabriel Archer) thus perished, the death rate being almost as great as during the first fearful seasoning time — July–October, 1607.

We have not the exact date, but judging from circumstances it was about this time that Virginia Laydon was born, who was probably the first fruit of the first English Protestant marriage in the New World, her mother being a maid and her father a carpenter. The event, it seems, received consideration from the Virginia courts of 1632 in a grant of 500 acres of land to John Laydon; but it has received no recognition in our histories. Virginia Dare, the first child born of English parents in America, was born

on Roanoke Island (North Carolina) in 1587. With this fact her history begins and ends, yet her memory has been kept ever green by the people of North Carolina. And there is no reason why Virginians should not take a like interest in Virginia Laydon, whose name has never been honored in song or story.

The Sea Adventure, under command of Captain Newport, vice-admiral of Virginia (with Sir Thomas Gates, governor, and Sir George Somers, admiral; "with several commissions sealed, successively to take place one after another, considering the mortality and uncertainty of human life") was driven by "the Tempest" for several days. On Thursday night (August 6) Sir George Somers, who sat upon the poop of the ship guiding her, saw "an apparition of a little round light, like a faint Starre, trembling and streaming along with a sparkling blaze, halfe the height upon the Maine Mast; and shooting sometimes from shroud to shroud, . . . running sometimes along the Maine-yard to the very end, and then returning."¹

On the next day (August 7) they were wrecked (but "not a hair perished") on "the still-vex'd Bermoothes," "which be called commonly, The Devils Ilands."²

The celebrated poet and divine, John Donne, had sought the appointment from the company as "Secretary in Virginia;" but that office was given to William Strachey, another author and poet, who was also on this ship and

¹ *Prospero.*

"Hast thou, spirit,

Perform'd to point the tempest that I bade thee?

Ariel.

"To every article.

I boarded *the King's ship*; now on the beak,

Now in the waist, the deck, in every cabin,

I flam'd amazement: Sometimes, I'd divide,

And burn in many places; on the top-mast,

The yards, and bowsprit, would I flame distinctly.

.

The most mighty Neptune

Seem'd to besiege, and make his bold waves tremble,

Yea, his dread trident shake." — *The Tempest*, Act I., sc. 2.

² "Hell is empty

And all the Devils are here!" — *Ibid.*

wrote the account of the tempest, published in Purchas.¹ In this connection it is especially interesting to note that a special supervision over the necessary change in the form of government in the colony, and the directions, orders, and instructions for regulating the same, had been given to the following friends of Shakespeare, namely, Henry, Earl of Southampton (his early patron); William, Earl of Pembroke, and Philip, Earl of Montgomery (to whom the great folio Shakespeare of 1623 was dedicated); Robert, Viscount Lisle (Sir Philip Sidney's brother); Theophilus, Lord Howard of Walden; Edmond, Lord Sheffield, and George, Lord Carew of Clopton, who married in 1580 Joyce Clopton, to whom the Clopton estates ultimately passed, and from which estate Shakespeare bought in 1597 the house in which he died in 1616.

Save for the tempest this ship should have arrived in Virginia (with the vessels which Ariel had dispersed) in August, 1609, and the change to the new government would have taken place under more favorable circumstances; but nothing could be clearer to my mind than that destiny was in every disaster shaping our end from the first. As in nature it was best for the nation to be tempered in birth with severe travails, and it was so; but "God, who moves in a misterious way his wonders to perform," had so strongly fixed his secret purpose to uphold the plantation in the minds of many undaunted spirits that they were not discouraged by any disaster from continuing the work to the inspired end.

September 11, Governor Gates sent master's mate Henry Ravens, cape-merchant Thomas Whittingham, and from six to twelve others (accounts differ), in the longboat, as a "Bark of Aviso," to Virginia with letters to the colony and a particular commission confirming Captain Peter Wynne as his lieutenant-governor in Virginia. The boat never reached Virginia.

December 6, Thomas Powell was married to Elizabeth Persons.

¹ Vol. iv. pp. 1734-1757.

February 21, 1610, John Rolfe's infant daughter was christened Bermuda by Rev. Richard Bucke. William Strachey, Christopher Newport, and Mistress Horton were godparents. The child soon died.

April 4, Edward Eason's infant son was christened Bermudas by Rev. Mr. Bucke. Strachey, Newport, and James Swift were godfathers. This child lived to reach Virginia.

Strachey and others give long accounts of the events on the Bermudas, the trials of the non-conformists Nicholas Bennet, John Want, Stephen Hopkins; the mutinies, etc. He tells of feeding on young "sea-meawes," that live "like conies in a warren."¹

On September 7, 1609, Richard Frobisher began building a large pinnacle of eighty tons, called the Deliverance. December 7, Sir George Somers began to build a smaller one of thirty tons, called the Patience. Both were completed before May 11, 1610, when they were ready to sail for Virginia, and waiting for a wind. On Thursday, May 20, they set sail for Virginia, and the Patience ("whose help they had sought") and the Deliverance carried them along on "calm seas" and with "auspicious gales."

Christopher Carter and Robert Waters were left on the island. Henry Paine had been executed; Jeffery Briars, Richard Lewis, William Hitchman, Bermuda Rolfe, and a sailor had died there, and from eight to fourteen had gone out to sea in the longboat. The two vessels left the island with about 140 emigrants for Virginia. On Monday, May 31, they came before Algernoune Fort on Point Comfort, where they found Captain James Davies (or Davis) in command, and Captain George Percy, the President of the Council, was at that time likewise in the fort. From these they heard "the heaveie news of the condition of the people above at Jamestown."

"From hence in two days (only by the help of Tydes, no wind stirring) we plyed it sadly up the River, and the

¹ *Caliban*.

"I'll get thee

Young sea-mells from the rock: Wilt thou go with me?"

The Tempest, Act II., sc. 2.

three and twentieth of May [June 2, N. S.] we cast Anchor before James Towne, where we landed, and our much grieved Governour first visiting the church caused the Bell to be rung, at which (all such as were able to come forth of their houses) repayred to church where our Minister Master Bucke made a zealous and sorrowfull Prayer, finding all things so contrary to our expectation, so full of misery and *misgovernment*. After service our Governour caused me [Strachey] to read his commission, and Captaine Percy (then President) delivered up unto him his [the old Royal] commission, the Old Patent, and the Councell Seale."

They then went out to view the fort, and Strachey represents everything as being in a most dilapidated condition ; for which " he blamed men and freed the country." This was for the best interest of the enterprise then ; but the country is all right now, and it is now the duty of the historian to be just ; to free the memory of these men, and to tell the truth about the original climate, and all the other difficulties which they had to contend with, regardless of the motives, personal or public, for concealing any matters at that time.

On the arrival of Gates with the new commission the period of the first royal government in Virginia definitely ended. The various accounts bearing on this period, written between 1607 and 1657, would fill volumes ; but after 1611, for various reasons, many of them are misleading. The general disposition was to magnify the work accomplished while the colony was actually under the king's form of government (1607-1609), and to place (with impunity) the burden of responsibility for past disasters on the period of indefinite government, — that is, on the period of this chapter, when it was known in Virginia that a new charter had been granted and new officers commissioned, who might arrive at any time ; which fact impaired the authority so much as to make it amount almost to a lack of legal government, and the period one of non-responsibility, especially adapted for laying blame upon.

What is known in history as "the starving time in Virginia" is generally stated to have begun after Captain Smith left; but it really began during his presidency in the spring of 1609, and (save for the temporary relief afforded by Argall in July and the arrival of the fleet in August) continued until the arrival of Gates. It was one of the most disastrous periods in the life of the colony. It was at no time a period of prosperity.

Of the thirteen members of the King's Council in Virginia during 1607-1609, Smith and Wingfield went back to England and never served in Virginia under the popular charters; Newport, Martin, Percy, and West continued in the service of the company. Gosnold, Kendall, Scrivener, Waldo, and Wynne had died in Virginia before the change took place. Archer and Ratcliffe were retained in the service, but had recently died in Virginia. They had been among "the planters" who petitioned for the change in the charter, the first American patriots to protest against a royal form of government in this country; and therefore they have appeared in our royal histories as "agitators who effected by intrigue what they had failed to accomplish by force," as "enemies of Capt. John Smith," etc. Why was it that all of the Council in Virginia, who lived any length of time, became "the enemies of Capt. John Smith"? Why is it that so many of those who left their testimony with their lives on the sacred soil of the old Dominion have defamatory or unhonored records in our histories, while Smith, who returned to England before the victory was won, remained there and died there, is lauded in song and story? Is not the testimony of those who died on the field of honor and of action as worthy of our belief as that of those who published the dispatches? Are not the voices from our unknown graves as worthy of our respect as those from distant sepulchres? The answers to these questions, in the personal issue, will be found in the fact that those who take the view of Smith's history then licensed by the crown oppose these men because they were enemies of Smith, or as

being opponents of the king's form of government in Virginia ; while those who look from the standpoint of the company records, then concealed by the Council, oppose Captain John Smith because he was the enemy of the martyrs of our genesis, and an opponent of the formation of the first republic in America.

Much depends on the point of view from which we look. It was as natural for Purchas to have no tears for these men as it is for me to defend them. Smith and Purchas are especially severe on Captain Archer ; they seldom allude to him without sneers and words of abuse ; Smith seems to resent, as a personal grievance, the fact that the gallant captain ever existed. I have studied his case carefully, and I believe it to be an historic disgrace that he should have been condemned by American historians solely on the evidence of his opponents.

V

ENGLAND, DECEMBER, 1609 — AUGUST, 1610

*PREPARATIONS FOR THE LARGE EXPEDITION STAYED. DE
LA WARR SENT TO THE RESCUE*

DECEMBER 10, 1609, Zuñiga sent Philip III. a report on the return of the fleet, which was received by him shortly before the report on Ecija's voyage from Florida.

Within a few days after the sad return of the fleet, "the Counsell of Virginia" published a broadside¹ to offset the bad reports brought from Virginia, and to induce sundry "sufficient, honest and good artificers," doctors and divines to go to Virginia with "Lord de la Warr, who intendeth God assisting, to be ready with all expedition." And for the same purpose, on December 24, there was entered at Stationers' Hall for publication by John Stepney, under the hands of Lord De la Warr, Sir Thomas Smith, Sir Walter Cope, and Master Waterson, a tract giving "A True and Sincere declaration of the purpose and ends of the *Plantation* begun in *Virginia* of the degrees which it hath received; and meanes by *which it hath been advanced*: and *the resolution and conclusion of His Majesties Council* of that Colony for the constant and patient prosecution thereof, untill by the mercies of God it shall *retribute a fruitful harvest to the Kingdome of heaven, and this Common-Wealth.*"² In an appendix they call for the same class of emigrants as in their broadside of a few days before, and in their previous call for the fleet in February, 1609.

¹ See *The Genesis of the United States*, pp. 354-356. This broadside preceded the Tract, *ibid.*, pp. 337-353.

² *The Genesis of the United States*, pp. 337-353.

The contemporary ideas of the managers of this enterprise are fully set out in "Nova Britannia," in this "True Declaration," in their various broadsides, and other prints and documents of sundry dates which still remain to show that their objects, aims, and ideas were beyond all fair-minded criticism, and that "the causes of the defaultment were" *not* "only in the managing of the business," as stated by Smith. And to the same point their actions speak even clearer than their words, for under their management, and under their popular charters, they accomplished in due time their chief objects, regardless of all difficulties. Of course, "A True and Sincere Declaration" does not give out the bad reports from Virginia, nor the many discouragements in England, because it was published purposely to offset these things.

The Council for Virginia gave Lord De la Warr "all the liberties and privileges which they had power to derive upon him," and hoped to be able to furnish out a fitting expedition for him by the last of January.

December 31, the Spanish minister makes his report to his king on the Virginia enterprise, as well as on Raleigh's enterprise in Guiana. It is curious to note how quick this Spaniard was to gather English news. It was nine days after this when Chamberlain wrote to Carleton: "Sir Walter Raleigh hath a ship come from Guiana, richly laden, they say with gold ore; and Sir Thomas Roe, with a ship and Pinnace is going that way to seek his fortune."

January 28, 1610, Zuñiga writes to his king: "Lord de la Warr with 300 men and large stores will certainly be sent from here at the beginning of April; and somewhat later one thousand men will go, a fact which shows very clearly the advantages they hope to derive from over there, since with *such very great losses as they have suffered*, and of which I have informed your Majesty, they still show so much courage."

It must be noted that the numbers sent out to Virginia as given to the public were generally exaggerated, but the object for this is evident.

February 24, 1610, the following debate took place in the House of Commons on the question whether a warrant be issued for the election of a new member in the place of Sir George Somers, then on a voyage to Virginia. Sir George Moore made the report of the committee of privileges; their opinion was that Sir George Somers ought not to be removed; it cited the "case of Ambassadors; Disgrace: Injustice — If he return and challenge Privilege, upon arrest to be granted," etc.

"Sir Geo. Moore [in the debate on the report] that Sir Geo. Sommers, not to be removed. No Disgrace; but a grace to be a governor in Virginia. No injustice; But Injustice to the Town and to this House. . . . Sir Geo. Sommers like to Sir James Lee in Ireland.

"Sir Tho. Holcroft. For his Remove.

"Sir Edwyn Sandys [against his removal]. Answers the objections — Disgrace — Comparison with Ambassadors — Some Prejudice to the House to remove, without Precedent. Three causes of Remove: — 1 Disgrace — 2 Grace — 3. Sickness incurable. Case of Ambassadors — Three Differences: that foreign, this home: — No Magistracy, this Magistracy: This with a purpose of continuance, that not to continue long: Presumed for his Life. A new Precedent: Done upon Deliberation.

"Sir Nath. Bacon. Not to be removed.

"Mr. Fuller. The End of Parliaments to have men present, that do represent.

"*Question.* Whether a warrant for Sir George Somers —

"A new to be elected."¹

The following entry is from the roll of that Parliament: —

"Lyme — Geo. Somers, Kt. —

John Hassard, gent.,

in their places, *deceased*,

Francis Russel, Kt. } 1610."
Geo. Jeffrys, Esq. }

¹ Commons Journal.

The Rev. William Crashaw, on March 3, “preached a sermon before the right honorable the Lord La Warre, Lord Governour and Captaine Generall of Virginia, and others of his Majesties Counsell for that kingdom, and the rest of the Adventurers in that plantation, at the said Lord Generall his leave taking of England his native country and departure for Virginia, wherein both the lawfulness of that action is maintained, and the necessity thereof is also demonstrated, not so much out of the grounds of *policy* as of *humanity*, Equity and Christianity.” In this sermon (on p. 32) he refers to “M. Simonds his sermon,” which had been previously printed. Crashaw’s sermon was soon published, and dedicated to the members of Parliament, and these two sermons remain to show us the views of these two ministers on the American question at that time.

Lord De la Warr’s commission as lord governor and captain-general of Virginia during the term of his natural life, with principal authority both by land and sea over the said colony, etc., was sealed by his Majesty’s Council for the company on March 10, 1610. His authority in Virginia was to be most absolute. Before sailing he had a consultation with Cecil. He carried with him a list of “Virginia Comodities” which still remains to show her staple products at that time; but he hoped to find mines also.

March 11, Zuñiga wrote to his king “within three weeks Lord de la Ware will sail for Virginia. He takes three ships laden with supplies, and also a hundred old soldiers, good people [artisans], and a few knights. Two months later four more ships will follow him, with a larger number of people.

“May our Lord guard the Catholic Person of Your Majesty as all Christendom needeth.”

The ships really left London a day or so after; but they did not sail from the coast of England (the Cowes) until April 11.

Between the 9th and 11th of April Zuñiga set out for

Spain in person with information for his king, and his place in England as ambassador for Spain was filled by Don Alonso de Velasco. At the same time Sir John Digby represented England at the court of Spain. The marriage between England and Spain had long been dallied with. Both governments were now preparing to play the game more seriously, and Virginia was still one of the stakes.¹

In January, 1610, the Dutch East India Company ordered Henry Hudson to return to Holland; but the English government commanded him and other Englishmen with him not to leave England, but to serve their own country in matters of that kind. On April 18, he sailed from London in the *Discovery* on a voyage to discover the Northwest Passage. These voyages were now to be separate from, but auxiliary to, the colonization of Virginia, and the enterprises were largely under the management of the same people.

May 9, King James granted a patent for establishing a colony or colonies in Newfoundland.

Through the influence of Robert Johnson, the deputy treasurer of the Virginia Company, the grocers of London were constant contributors to the enterprise.

Early in June the *Swallow* (in which were Captain Francis West and others from Virginia) reached Lyme, and on the 14th Velasco reported to his king the fact; sent to him an account of the bad condition in which the colony continued, and urged him to make an end of it altogether now that this was so easy to be done.

On the same day that this report was made Prince Henry, the Patron of the Virginia Company of London, was created Prince of Wales and Earl of Chester. The Dutch ambassadors were present at this creation, and during their stay in England promised Prince Henry to send him Sir Thomas Dale from the Netherlands for employment in Virginia.

¹ See Birch's *Life of Henry, Prince of Wales*, pp. 531, 532.

Notwithstanding the bad reports from Virginia, the patriot party were convinced of final success "if the colony were rightly ordered by some industrious person," and Wodenoth says that Dale was selected at the suggestion of Henry, Earl of Southampton, as being a most judicious person, for "the ability of his body as well as mind," for this task. Dale and Southampton had served under Essex, and Dale was "now a worthy and experienced souldier in the Low-Countreys," where he had been fighting against Spain.

As soon as possible after the return¹ of the Swallow, the Dainty was sent to Virginia with twenty men and a year's competent supply of provisions for the whole colony. Captain Francis West possibly returned at this time.

On September 1 Velasco received from Philip III. a letter written in July, enclosing a report on Virginia by Francis Maguel (or Maguer, or Maguire), an Irishman who had been there and who, like Arundell, now wished "to serve His Catholic Majesty" in aiding him to remove the colony.

¹ The accounts which remain relative to this return of West in the Swallow are fault-finding. There was evidently a motive for thus publicly laying the blame on him ; but it is not just for us to condemn him without

hearing his defense. He may really have been sent for these needed supplies. He may have acted for the best, for he evidently retained the confidence of the company and colony.

VI

VIRGINIA, JUNE, 1610 — MAY, 1611

SIR THOMAS GATES, GOVERNOR TO JUNE 20, 1610. LORD DE LA WARR, LORD GOVERNOR TO APRIL, 1611. CAPTAIN GEORGE PERCY, DEPUTY GOVERNOR TO MAY, 1611

GOVERNOR GATES at once told the colonists that if he should not find it possible to supply them with something for their support from the country by the endeavors of his able men, he would make ready and transport them all into their native country. June 3, he established certain laws, orders, and instructions, which he enjoined them strictly to observe, during the time that he should stay amongst them, which being written out fair were set up upon a post in the church for every one to take notice of. They were the first "published laws," and were intended for "the inorguration of order and government" in the colony.¹

After making trial of "all the wayes" for relieving the colony, and after consultation with his Council, on or before June 11 Governor Gates reached the conclusion that there was no way before him save to abandon the colony; sent the Virginia down to Algernoune Fort to take on Captain Davis and his men, while he began making preparations for leaving Jamestown. "Our governor having caused to be carried aboard all the arms, and all the best things in the store; having buried the ordnances before the Fort gate; having appointed to every pinnace likewise his complement and number and delivered thereunto a proportionable rate of provision, on June 17th commanded every man at the beating of the Drum to repair aboard.

¹ See Force's *Tracts*, vol. iii., no. ii., pp. 9-19.

And because he would preserve the Towne (albeit now to be quitted) unburned, which some intemperate and malicious people threatened, he caused his own Company (which he had brought from the Netherlands, under the command of his Lieutenant, Capt. George Yeardley,) to be last ashore, and was himself the last of them to get aboard, when about noon giving a farewell, with a peal of small shot, they set sail in the *Discovery*, the *Deliverance* and the *Patience*." That night they fell down with the tide to Hogg Island, and the next morning the tide brought them to Mulberry Island, where they met the *Virginia*, in which Lord De la Warr had sent Captain Edward Brewster, with letters to Sir Thomas Gates, instructing him to return to Jamestown. "And Gates the very next day, to the great grief of all his company (only except Captain John Martin), as wind and weather gave leave, returned his whole company with charge to take possession again of those poor ruined habitations at Jamestown which he had formerly abandoned. Himself in a boat proceeded downward to meet his Lordship, who making all speed up, arrived shortly after at James Towne."

On the arrival of Gates, June 2, 1610, with the new commission, the period of the royal government ended; but, as the colony was then in no condition to be benefited by the change, it seems more just to begin the establishment of the new order of things in Virginia, with the arrival of Lord De la Warr on June 20, 1610.

In June, 1609, Lord De la Warr intended leaving England for Virginia as soon as he heard of the safe arrival there of Sir Thomas Gates; but the news brought back by Argall and by the remnant of the fleet in November and December, 1609, "caused such a coldness here at home," the money came in so slowly, "that he could not be dispatched 'till the colony was worne and spent with difficulties."

Lord De la Warr left London about March 12, 1610, and sailed from "the Cowes" on April 11, in the *De la Warr*, accompanied with the *Blessing*, of Plymouth, and

the Hercules, of Rye, with supplies for the colony and about one hundred and fifty emigrants, being for the most part artificers,¹ — including Frenchmen to plant vines, and “Wm. Henrick Faldoe, a Swiss,” to find mines, — accompanied by “Knights and gentlemen of quality.” The fleet, under “the conduct of Capt. Argall by sea,” reached Terceira (the Azores) on April 22. At night, on June 15, they came to an anchor at Cape Henry. The next day the Hercules, which had been separated from the other ships near eight weeks, joined them, and that night they “came to an ancor under Cape Comfort where,” as De la Warr wrote Cecil, “I met with such cold comfort, as if it had not been accompanied with the most happy news of Sir Thomas Gates his arrival it had been sufficient to have broke my hart and to have made mee altogether unable to have done my King or country any service.”

He found at the point the Virginia, which had been sent from Jamestown about June 11, to take aboard Captain James Davis and the garrison of the fort there. June 17, De la Warr caused this pinnace to be manned, and sent Captain Edward Brewster in her with letters to Sir Thomas Gates, with “newes of their arrivall.”

Brewster met Gates at Mulberry Island on June 18, who, upon the receipt of the letters, ordered his ships “to bear up the helm” for Jamestown, where all of his men re-landed that night.

Lord De la Warr reached Jamestown with his ships on Sunday, June 20, 1610, and in the afternoon went ashore, with Sir Ferdinando Wenman, landing at the south gate of the palisado (fronting the river); Sir Thomas Gates caused his company in arms to stand in order and make a guard, William Strachey acting on this special occasion as color-bearer. As soon as the lord governor landed, he fell upon his knees before them all, and made a long and silent prayer to God. Then arising, he marched up into the town, Strachey bowing with the colors as he entered

¹ See *The Genesis of the United States*, pp. 353-356.

the gate, and let them fall at his lordship's feet, who passed on into the chapel, where he heard a sermon by Rev. Richard Buck ("Sir Thomas Gates his preacher"), and after that caused his ensign, Anthony Scott, to read his commission, which intituled him "Lord Governor, and Captaine Generall during his life, of the Colony and Plantation in Virginia (Sir Thomas Gates our Governor hitherto, being now stiled therein Lieutenant General)," upon which Sir Thomas Gates delivered up to his lordship "his owne commission, both patents and the counsell seale."

The lord governor then delivered some few words of reproach, warning, advice, and good cheer.

"Of 775 people" sent before him in 1606-1609, he found only about 200, almost bare of supplies. As about 135 of these had but recently arrived with Gates, which with the 150 brought by himself made near 280 unacclimated people, and as the sickly season was fast approaching, he was soon to see for himself the real cause of the great mortality in Virginia.

The fort was in the form of a triangle, the side facing the river being 420 feet, and the other two sides 300 feet long. At each angle a bulwark or watch-tower was raised, and in each bulwark a piece or two of ordnance was well mounted. On each side, at an equal distance from the palisades, was a settled street of houses, "running along so as each line of the angle had its street." In the midst were a market-place, a storehouse, a "corps-du-guarde," and a pretty chapel, all which the lord governor ordered to be put in good repair. The chapel was in length 60 feet, in breadth 24, and the lord governor had it repaired with a chancel of cedar and a communion-table of black walnut; "all the pews and the pulpit were of cedar, with fair broad windows, also of cedar, to shut and open, as the weather shall occasion." The font was "hewen hollow like a canoa," and there were two bells in the steeple at the west end. "The Church was so cast, as to be very light within and the Lord Governor caused it to be kept passing sweet and

trimmed up with divers flowers." There was a sexton in charge of the church, and every morning at the ringing of a bell by him, about ten o'clock, each man addressed himself to prayers, and so at four of the clock before supper. There were a sermon every Thursday and two sermons every Sunday, the two preachers taking their weekly turns. "Every Sunday, when the Lord Governor went to church he was accompanied with all the Councillors, Captains, other officers, and all the gentlemen, and with a guard of fifty Halberdiers in his Lordships Livery, fair red cloaks, on each side and behind him. The Lord Governor sat in the choir, in a green velvet chair, with a velvet cushion before him on which he knelt, and the council, captains, and officers, sat on each side of him, each in their place, and when the Lord Governor returned home, he was waited on in the same manner to his house."

Their houses as yet were in no great uniformity, but were comfortable, with large country chimneys, and, having an abundance of wood, they maintained large fires. And as Strachey said, although they had no wanton city ornaments, —

"We dwell not here to build us bowers,
And Halls for pleasure and good cheere :
But Halls we build for us and ours,
To dwell in them whilst we live here."

The palisades were made of strong plank and strong posts, the latter being set "four foote deepe in the ground."

June 21, the sailors were set to work at unloading the ships, and the landsmen at cleaning the town, making coal for the forges, etc.

June 22, the lord governor and captain-general organized the government of the colony, under the charter to the company, which it was deemed best to make as strong and as absolute, in the beginning, as possible. And the "Articles, Lawes and Orders, Divine, Politique and Martial for the colony in Virginia," which had been first established by Sir Thomas Gates on June 3, were now exempli-

fied and approved. These were really the first written laws of the colony, the former government having been “an aristocratic one,” the law and the execution thereof being subject to the personal ideas or interest of the majority (or, at times, of the president only) of the Council, — the colonists, without written laws, being like sailors at sea without a chart to guide them, at the mercy of the elements above them. These laws furnished the colonists with a guide for their conduct, “and took away the plea of *I did not know*.” Almost any sort of definite law is better for a people than no law, and, although many of these laws seem most unreasonable to us now, there was doubtless some reason for all of them then, since which time ideas have changed very much. For instance, there was a severe penalty against throwing soapsuds in the open street. This was because at that time it was thought in London that “not only soap-boilers and vendors of it, but all the washerwomen and all they whose business it was to use soap — nay, *they who only wore shirts washed with soap — presently died of the Plague*.”

On the same day the lord governor elected unto himself a Council, and constituted and gave places of office and charge to divers captains and gentlemen, unto all of whom he administered an oath of faith, assistance, and secrecy, “mixed with the oath of Allegiance and Supremacy to his Majesty.” The Council were : Sir Thomas Gates, lieutenant-general ; Sir George Somers, admiral ; Captain George Percy, esquire (and, in the fort, captain of fifty) ; Sir Ferdinando Weinman, master of the ordnance ; Captain Christopher Newport, vice-admiral ; and William Strachey, esquire, secretary and recorder. The other officers were : Captain John Martin, master of the battery works for steel and iron ; Captain George Webb, sergeant-major of the fort ; captains of companies, Edward Brewster (of the lord governor’s own company), Thomas Lawson, Thomas Holcroft, Samuel Argall, and George Yeardley (who commanded the lieutenant-general’s company). Among the other officers were :

Master Ralph Hamor and Master Browne, clerks of the Council, and Master Daniel Tucker and Master Robert Wilde, clerks of the store. Master Anthony Scott was ensign of Lord De la Warr's company.

Dr. Lawrence Bohun, Rev. William Mease (or Mays), Richard Kingsmill, Jane, daughter of William Pierce and third wife of John Rolfe, William Julian, Joan Chandler, and Reynold Booth were of those who came to Virginia at this time.

The first business the lord governor consulted his Council about was the obtaining of victuals, and in Council, on June 23, "it pleased Sir George Somers to propose a voyage, which, for the better relief and good of the colony, he would perform, unto the Bermudas." On the 25th, the governor commissioned him to make the voyage; and on the same day he wrote to the earl of Salisbury telling him of the tempest, the Bermudas, and Virginia.

June 27, Robert Tyndall, master of the De la Warr, was sent in the Virginia to fish about capes Henry and Charles.

June 28, Captain Samuel Argall was sworn into the governor's Council, and on the next day sailed with Somers for the Bermudas. They stood off from Cape Henry to sea on July 3.

According to one account, Tyndall did not return from his fishing voyage until July 10, and it must have been at this time that he made the survey about Cape Charles and the eastern shore ocean coast, which agreed with Hudson's.¹

July 17, the governor and his Council in Virginia wrote from Jamestown, to the Virginia Company of London, a long report. The sickness had begun; 150 had been sick (including the governor) at one time, and Dr. Bohun's "phisicall provisions" were nearly exhausted. And the Indians had already killed many of their men, by ambushing them, especially about the blockhouse and glass-house.

¹ There is reason to believe that Tyndall made a survey of the Chesapeake Bay. It may have been done at this time; but it was more probably somewhat later.

July 16, as Sir Thomas Gates was going down the river, he saw the longboat belonging to Algernoune Fort (Point Comfort) blown ashore near to Weroscoick, and sent Humfrey Blunt after it, whom certain Indians (watching the occasion) captured and killed¹ before the eyes of Lieutenant-General Gates, who in revenge, upon July 19, early in the morning set upon a town of theirs some four miles from Algernoune Fort, called Kecoughtan, and captured it.

Pochins, one of Powhatan's sons, was the werowance of Kecoughtan at this time. "It was an ample and fair countrie indeed, an admirable portion of land, comparatively high, wholesome, and fruitfull; the seat sometime of a thousand Indians and three hundred Indian houses, and those Indians, as it may well appear better husbandmen then in any part else that we have observed, which is the reason that so much ground is there cleared and opened, enough, with little labour, already prepared, to receive corn, or make vineyards of two or three thousand acres. . . . A delicate and necessary seat for a Citty or chief fortification, being so near (within three miles by water) the mouth of our bay, and a fit seat for a chief commander, since Point Comfort being (out of all dispute) to be fortified to secure our townes above, to keep open the mouth of our river, by which our shipping may be let in [and the enemy kept out], it will require the faith and judgement of a worthy commander to be there always present; besides, there will be good fishing, and upon one of the Capes may be placed a garrison to attend the furnasses and boiling pots for the making of salt." The Frenchmen were soon set to work here to plant vines, which grew naturally in great plenty, and they confidently promised that within two years they would have a plentiful vintage.

July 24, while the ships were loading at Weroscoick with cedar, clapboard, black walnut, and iron ore, Captain Newport took Sasenticum, the chief king of Weroscoick, and

¹ Probably at "Blunt Point," "near [opposite ?] to Weroscoick."

his son Kainta prisoners. The next day, Captain Adams brought them in the *Blessing* to Point Comfort, "where at that time (as well to take his leave of the Lieutenant-Generall Sir Thomas Gates now bound for England as to dispatch the ships) the Lord Governour and Captain Generall had pitched his Tent in Algernoune Fort." On the same day (July 25), Gates and Newport in the *Blessing* and the *Hercules* sailed for England, taking with them the letter to the Council (above mentioned), letters from the lord governor and from the admiral to the prime minister, and from William Strachey to a lady in England, all of which have been preserved. They also carried the king's son Kainta to England. It may be that this was the Indian youth called Nanamack in "The Planter's Plea,"¹ sent "over by the Lo: Delaware when Governor there."

Their account of the colony as they left it, or so much as was deemed advisable to publish, will be found in "A True Declaration of the Estate of the Colonie in Virginia."² But, of course, the managers published nothing which they thought might injure the enterprise. On the other hand, the account in "A Briefe Declaration of the Plantation of Virginia during the first Twelve years" (1625) was written especially for party purposes in a party controversy. Strict accuracy was the object of neither; but with a fair knowledge of the facts, and with other evidences still remaining, full justice can be done to all parties.

The statement of "the Briefe Declaration," that "not less then 150 of them died of pestilent diseases of callentures and feavors, within a few moneths after" De la Warr's arrival is approximately correct, as is, also, the statement that the two forts near the river's mouth had to be erected by the ancient planters, "who by use weare growen practique in a hard way of livinge," as they expressed it; but it would have been fairer to have said "who by time had become acclemated," and justice now requires us to

¹ London, 1630, p. 53.

² Force's *Tracts*, vol. iii. no. i.

acknowledge that the deaths could not then have been prevented; neither party was really to blame.

The building of the two forts near the river's mouth began prior to July 25, 1610; "one was called Fort Henry and the other Fort Charles (in honor of our most noble Prince and his hopefull brother)." They were located at Kecoughtan, on a rivulet which Lord De la Warr called Southampton River, in honor of Henry, earl of Southampton, the early patron of Shakespeare and of Virginia. It is now called Hampton River; but the original name should be restored.

The current carried Somers and Argall northward, and finally separated them. July 26, they sailed toward Cape Cod. August 5, they stood for the river of Sagadahoc. August 6, they separated in a thick fog. Argall continued along the coast of North Virginia (New England) fishing, with success, until August 30, when he thought it fit to return with his fish to Jamestown; and finding it so much easier to go to this fishing than to the Bermudas for supplies, from this time onward the colonists in Virginia sent every year one or more vessels there. "In this voyage, Argall made good from 44° north latitude, what Captayne Bartho. Gosnol and Captayne Weymouth wanted in their discoveries, observing all along the coast, and drawing the plotts thereof, as he steered homewards, unto the Chesapeake Bay." September 6, he entered the present Delaware Bay and named the southern cape "Cape La Warre." He anchored under Cape Charles at night, September 10, and the next day arrived at Algernoune Fort on Point Comfort.

Lord De la Warr, who had been superintending, as far as his weakness would permit, the operations on Southampton River, and "refreshing himself in this pleasing part of the countrey," enjoying the sea-breezes, returned up the river with Argall; at which time Captain Brewster in command of his lordship's own company, and Captain Argall with some seamen, fell upon two towns of Tackonekintaco, the

old werowance of Warraskoyack, and burnt them to the ground, because the chief had acted falsely towards the lord governor.

Soon after this, the Dainty arrived with twelve men and one woman, three horses, and provisions for the colony.

The governor, now wishing to march towards the mountains to discover the mines of gold or silver which "Faldo, an Helvetian," had persuaded the Council in England that he could locate, his people having been so reduced by death, felt obliged to order Captains Yeardley and Holcroft, the commanders of the two forts on Southampton River, to abandon them and bring their commands to Jamestown. The expedition soon set forward under command of Captains Edward Brewster and George Yeardley, being in number one hundred persons; but the Queen of Appamatuck invited some of them to a feast, and, while they were eating, treacherously massacred fourteen of them, including "all the chief men skillfull in finding out mines." Captain George Percy, Master Stacy, and fifty or sixty men, then landed, burnt her town, and killed some of her people, "herself miscarienŕg with small shott in pursuit in the woods." By reason of this disaster the expedition went no farther than the Falls of the river, where they built a fort and remained near three months, his lordship being there in person for most of the time. While there the savages assaulted his troop and killed Captain William West, his nephew, and two or three more, and took Symon Skore, a sailor, and one Cob, a boy, prisoners.

"But his disease growing much upon him he resolved to retire to Jamestown, giving order that the fort which we had built there should be quitted and the troupe drawn downe, which accordingly was done."

All three new forts were now abandoned, and the colonists, reduced by the sickness and by the Indian massacres to less than two hundred, were concentrated at Jamestown and Algernoune Fort. When Dale attributed this state of affairs to the assertion that Lord De la Warr's object was

“rather the search after Faldoe’s mines than the founding of the colony,” it was as an apology rather than as a fact. It is true, however, that he was sent to rescue the old colony rather than to settle a new one. He wished to find mines, of course, but the first thing he did (his first object) was to strengthen the colony. He did not really search for the mines at all, and the real cause why the end had not been more fully advanced was “the sickness,” as Dale found out himself within less than two months after his arrival.

The last discovery made under Lord De la Warr in Virginia was by Captain Argall, who in the winter went in the Discovery on a trading voyage up the Potomac, where he is said to have found some mines of antimony and lead, and a very profitable trade with the Indians. About January 4, 1611, at a place called Pasptanzie he ransomed for copper from Jopassus (a brother of the great king of Potomac) Henry Spelman, who had been living there more than a year.

During this winter one Kemps, an Indian, who was made much of by the lord governor, died at Jamestown of the scurvy. The emigrants suffered severely from this disease at sea, and Dr. John Woodall, the medical adviser of Sir Thomas Smith, gave to it his especial attention.

Dr. Bohun made trial of sundry vegetables and minerals of Virginia in his treatment of the diseases of the country; among the vegetable remedies he found “*saxafras*, *galbanum mechoacon*, otherwise called *rubarbum album*, to be of service in cold and moist bodies, for the purging of fleame and superfluous matter.” And among the minerals he found a “whit bole, which he called *Terra alba Virginensis*, both aromaticall, and cordiall, and diapharetick, in pestilent and malignant feavers.” Many then believed in the virtues of Lemnian earth, *terra sigillata* (sealed earth), and this was thought to be in great plenty in Virginia.

February 19, 1611, Captain George Percy, the commandant at Jamestown, sent Ensigns Powell and Waller to

surprise the king of Paspahegh, who, with a company of his people, was lurking about the old blockhouse at Jamestown, and to bring him alive into the town if possible; but they not finding him at such advantage, Powell thrust him twice through the body with an arming sword. His men rescued his body, but Lieutenant Puttock of the blockhouse killed another "to accompanye his master in the other world."

In March the fishing, especially for herring, began, and the fishermen were now more successful. But the lord governor was still very weak, "owing to his constant attention to business and the air of an uncultivated country." He was in no condition to meet another sickly season in Virginia, and being warned if he wished to preserve his life that he must leave the colony for a time, on April 7, 1611, he sailed in the *De la Warr*, Captain Argall, for the island of Mevis for the benefit of the warm baths there, taking with him some of his sickly colonists for the same benefit; but not being able to sail against the wind and current, his ship was carried by these elements to the Azores, where he remained about eight days, and reached England "towards the end of May."

On leaving the colony the lord governor appointed Captain George Percy to act as his deputy governor until the coming of the marshal, Sir Thomas Dale (who was then expected daily), whose commission was likewise to be determined upon the arrival of Sir Thomas Gates. In the report which he published to the public in England, he stated that he had left "about 200 persons" in the colony; but it was constantly necessary to make these over-statements in the interest of the colony. If we subtract those who died of the sickness, and those who were killed by the Indians during his stay, and those taken back to England by him, from his original number, it will be found that he must have left less than 150 persons.

The *Hercules*, Captain Adams, which had been sent from Virginia for supplies on July 25, 1610, arrived at James-

town with the supplies and about thirty emigrants soon after the lord governor's departure. She brought the news that James I. had agreed to grant the company a second charter, to include the Bermuda Islands, and conveying to them other privileges, etc. The season for fishing for sturgeon, which had always been a great relief to the colony, began in April, and the sturgeon-curer who arrived on the *Hercules* at once proceeded to do his duty. In about thirty days (May 22, 1611) the ship was ready to return for England, and Deputy Governor Percy and some of the Council went down with her to Algernoune Fort to give Captain Adams his discharge (clearance papers) for England.

VII

ENGLAND, SEPTEMBER, 1610 — MAY, 1611

*THE COMPANY PREPARING A SECOND REGULAR EFFORT FOR
SETTLING THE COLONY; THE FIRST PORTION SENT UNDER
SIR THOMAS DALE, THE SECOND PORTION TO BE SENT
UNDER SIR THOMAS GATES*

EARLY in September, 1610, the *Blessing*, of Plymouth, and the *Hercules*, of Rye, returned to England with Gates, Newport, Captain Adams, and others from Virginia. They brought full accounts of the condition of the colony, the causes thereof, etc., many letters, reports, and other documents. They related in England the first news of the miraculous deliverance of the colonists from "the Tempest" on "the Iland of the Devils."

"The Councill of Virginia (finding the smalnesse of that returne, which they hoped should have defraied the charge of a new supply) entred into a deepe consultation, and propounded amongst themselves, whether it were fit to enter into a new contribution, or in time to send for home the Lord La-ware, and to abandon the action." "They resolved to send for Sir Thomas Gates, who being come, they adjured him to deale plainly with them, and to make a true relation of those things which were presently to be had, or hereafter to be hoped for in Virginia, Sir Thomas Gates with a solemne and sacred oath replied, that all things before reported were true; that the country yeeldeth abundance of wood, of nearly every kind, for almost every purpose; mulberry trees for silk worms; divers sorts of minerals," etc.; "the river swarmed with sturgeon," etc.; "the land with vines," etc.; "the woods with furbearing animals," etc.; "and lastly, that it is one of the goodliest countries under the Sunne;" and that "he longeth and

hasteneth to go thither again." Then a letter from Lord De la Warr was read in which he wrote "that he will sacrifice himself for his Countrie in this service, if he may be seconded, and if the Company doe give it over he will yet lay all his fortunes upon the prosecution of the Plantation." "It was finallie concluded and agreed" to petition James I. for "the second Letters Patent," which would include the Bermuda Islands and grant to the Virginia Company sundry desirable privileges; and the petition was properly drafted and then presented to go through the regular routine.

After the managers of the company had considered all reports bearing on the failure of their first effort, they were convinced — although circumstances beyond human control had destroyed the possibility of any good success which might otherwise have resulted from their first large fleet of emigrants and supplies — that their original idea, "that an able and strong foundation was to be secured only by a strong force able to lay it in the beginning," was the correct idea; and that this strong force should be sent out in two or more sections, so as not to risk all on a single chance. They wished to send "a greater supply of men" than before, and they determined to ask the adventurers (who "should be inserted as freemen and adventurers in the said second Letters Patent") to lay down towards this new supply the sum of £75, at the least, for every particular man's adventure, payable £25 per annum in one, two, and three years. This subscription roll was opened in November, 1610. We have sundry references to these meetings, but no full account of them. It is probable that the first Virginia quarter court under the second charter (then granted but not signed) was held on the last Wednesday save one of the Michaelmas term, 1610, and that the important measures then under consideration were considered at this court, and at the following courts, of the Hilary and Easter terms, 1611, but the records have not been found.

September 30, 1610, Velasco wrote to his king about

the recent return of Newport, of the preparations for sending more ships with men, women, and ministers of their religion, and that he thought their plans could be brought to naught with great facility if his Majesty would send a few ships to "drive out the few people that have remained there," etc.

Jourdan's "Discovery of the Barmudas" and Rich's "Lost Flocke Triumphant" were printed soon after the return of Gates.

November 18, "A true Declaration of the Estate of the Colony of Virginia, with a confutation of such scandulous reports as have tended to the disgrace of so worthy an enterprise," was entered at Stationers' Hall, for publication, by Sir Thomas Smith, Sir Maurice Berkley, Sir George Coppin, and Master Richard Martin. It was "published by advise and direction of the Counsell of Virginia." The tract states that as "no man raiseth a faire building, that laith not a firme foundation, it will not be impertinent, to dig a little deeper, that we may build a great deale higher." It then goes on to outline the foundation. The three main impediments to be confuted were: "first, the dangerous passage by sea; secondly, the barrenness of the country; thirdly, the unwholesomeness of the climate. The Tempest proving the first, the famine in Virginia importing the second, and the sickness there arguing the third." Each of these was answered in as favorable a way for the enterprise as possible. The sickness was mainly attributed to "the fennes and marshes" about Jamestown, and Dale was afterwards ordered to look up a more favorable site for the city.

From the first diplomacy and circumspection were required in the management of this enterprise, as well as in giving to the public information and explanations, and all published reports were more or less varnished for one reason or another, and none of them can be relied on implicitly. For a fact, the first and third impediments were real impediments, and the second charge was resultant

from them and not from "the barrenness of the country." Ships and men were lost, and provisions damaged and exhausted *en route*, while the sickness during the most important agricultural months hindered the proper tilling of the soil and production of supplies. All of these difficulties had to be met, and in due time they were overcome, — the first by various subsequent naval inventions, but especially steam; the third by clearing the country, by tillage, and drainage, but especially by the discovery of quinine. We cannot write the true history of this movement without keeping before us at all times several facts which were then, for a good purpose or a bad one, denied or obscured. And the most important of these is the fact that our Atlantic coast, in the warmer sections during the warm seasons, was *not* "agreeable to English constitutions." It was the real cause of the deaths of thousands, attributed to bad management or other unreal causes.

Fortunately for the success of the movement, circumstances had soon created in the minds of many able and resolute Englishmen a determination to secure a lot or portion in the New World for the English race and religion at all hazards. Even before the first return of Newport from Virginia this object had become a matter in which the honor of the nation was at stake, and the Anglo-Saxon has never yet been known to yield that honor under any circumstances or conditions. The unavoidable difficulties, dangers, diseases, etc., in this instance, were as great as they well could be, while (saving the first two years) even the hope of a pecuniary reward was as small as possible until after 1615, insomuch that at several times even some Anglo-Saxons faltered and fell out of the ranks; but enough remained true to accomplish the task which they undertook.

The managers were now preparing to try again the idea of January, 1609 (which had been defeated by the tempest), and to send a large supply "to take fast hold and roote in that land."

The Spanish Council of State had a consultation on November 2, over Velasco's letter of September 30, and determined to submit it to the Council of War, with the permission of the king, and he agreed to it.

In explanation of the apparent dawdling of Spain in this matter, all the influences then at work must be borne in mind, and yet some of them are unknown to us. Even the reports of the English ambassador to Spain, on this subject, are mostly missing. It is probable, however, that Philip III. and Lerma always hoped to settle the matter in a way more satisfactory to them than by a war with the English, either by a marriage treaty, or some diplomatic arrangement; or that the English would finally abandon the country of themselves, or be destroyed by the Indians. They knew the climatic conditions, and it may be that they were better posted from time to time from Florida as to the real condition of the colony than has been supposed.

The Dainty probably returned from Virginia in December, when it was determined to send the *Hercules*, Captain Adams, with the supplies asked for, at once, and, according to custom, "the Counsell of Virginia" issued a broadside calling for emigrants. The ship sailed soon after December 25.

Prior to this, Sir Noel de Caron, the ambassador from the Netherlands in England, made overture to join with the English in settling Virginia. About the same time Sir Thomas Dale was sent for. On December 31, Velasco reported on the proposed Virginian voyage to his king. There is reason for thinking that Sir Walter Raleigh wished to go on this voyage. It was found that the city companies of London were not so willing to adventure their stock in this voyage as they had been in that of one year before; but the movement went on. Early in January, 1611, "the Counsell of Virginia" issued their broadside calling for honest and industrious men to "be entertained for the voyage." January 20, the States General granted leave of absence to Sir Thomas Dale. He soon reached

England, and was married there early in February to Elizabeth, daughter of Sir Thomas Throckmorton.

The French ship, the *Grace of God*, with Father Biard and other Jesuits, was at Newport, England, from January 29 to February 16, 1611, on her way to Port Royal, in New France, and thus the English were at once aware of the proposed French settlement in North Virginia.

Soon after Dale reached England, Sir Thomas Gates hastened to Holland to confer with the States about the before-mentioned overture of Sir Noel de Caron, and to obtain an extension of his own leave of absence. He reached the Hague on February 10, and at once handed Cecil's letters in his favor to Sir Ralph Winwood, the English ambassador there. He obtained an extension of his leave; but if there was any arrangement as to the overture, the record of it has not been found; it may have been a private one.

February 20, the king of Spain wrote to Don Gaspar de Pereda, governor of the Havana, Cuba, telling him of the preparations for Virginia, warning him to be prepared on his part,¹ and to obtain a certain account of affairs in Virginia, etc.

Dale's ships fell down the river from London prior to March 2, but he did not leave himself until after the 9th. His fleet sailed from the Land's End, March 27.

As soon as these ships left London, His Majesty's Council for Virginia hastened the preparation for the expedition under Gates, who was to "second" Dale. With this object in view they issued, on March 2, a circular letter to the noblemen, bishops, and clergy, that had not yet signed, to the gentry, merchants, and corporate towns of the kingdom, asking their assistance. They write, "The eyes of all Europe are looking upon our endeavors to spread the Gospel among the Heathen people of Virginia, to plant our English nation there, and to settle at in those parts." They ask for a sufficient sum to enable them to settle there

¹ To intercept them by the way?

“a very able and strong foundation of annexing another Kingdom to this Crown,” and for their coöperation in “the furtherance of this action, that tends so directly to advance the glory of God, the honor of our English nation and the profit and security, in our judgment, of this Kingdome.”

Henry Reynolds, esquire, sent a copy of this letter to Ipswich, and, on March 14, that corporation issued an order for “adventuring out of the town treasure £100., in the name of the bayliffes, burgesses and commonaltie of the said towne, in the voyage to Virginia.”

March 22, Velasco wrote to his king, sending him an account of Virginia (that he had procured from Sir William Monson, which, while favorable, was calculated to cool the opposition of Spain, and Velasco was not so urgent thereafter for the removal of the English), and a map showing the English claim in America. This map, which embraced the surveys of Tyndall, Argall, and others along our Atlantic coast from 34° to 52° north latitude,¹ has been the subject of some controversy, into which it is not necessary for me to enter here farther than to state that the original of the Virginia portion of it is evidently the original of, as it is identical with, the first engraved map made by William Hole in 1612 for Captain John Smith (who was then in the service and under the patronage of the Earl of Hertford), which was afterwards “retouched” from time to time. The same man must have drawn the original from which Velasco’s copy and Hole’s engraving were made. I have never seen any reason to doubt that Smith furnished the drawing from which Hole engraved for him this map for his books, which thus came to be known as Smith’s map of Virginia. The question has been as to whether the drawing furnished by Smith was made by himself from his own surveys, or whether it was one of the drawings (which came into his hands when he was president of the Council) of the capable surveyors and draughtsmen (Tyndall, Powell, Madison, and, it may be, others now unknown)

¹ See *The Genesis of the United States*, pp. 457-461.

sent over by the king or company to make surveys and draughts of the country for them. That is, was Smith a surveyor and draughtsman, or did he take to himself the honors which belonged to others? Other important questions are, who furnished Velasco with these private charts? Who first gave them to the enemy? We know who first gave them to the public.

The managers had many maps and charts of Virginia, ranging in date from 1607 to 1625 (from Tyndall to Claiborne and Norwood), and the reason why none of their originals have been found is now well understood. Owing to the party split in the company (1622–1624) it came to pass that many of the officials of the first administration, under the crown and under the company, really aided and abetted the Privy Council in the determination to restore the government of the colony to the crown and to conceal the record of the company, and they not only made no effort to preserve any of their records, maps, etc., but they freely gave all to the king's commissioners. Hence the company records for 1606–1619 are mostly missing; but documents still preserved in the Netherlands, France, and Spain, and scattered about in English repositories, show how very important those records were. These documents illustrate many important events, but they seldom give the minor particulars.

March 31, Sir Edwin Sandys wrote to the mayor and jurats of Sandwich, sending them "The Circular letter of his Majesties Council for Virginia," "The List of subscribers," and "The Classes of emigrants wanted." Certain noblemen and the city companies of London had adventured £5,000, and the 301 persons in "the List" £13,000 more before March 2; and the Council for Virginia were now making an effort to raise the additional sum of £12,000 to make the £30,000 deemed necessary to enable them "to lay a strong foundation for so great a work," which they finally succeeded in doing.

The first draft for the charter, petitioned for in October

or November, 1610, annexed to the petition, as for the charter of 1609, was drawn by Sir Edwin Sandys, and, as with that charter, this was to be kept open, and "every planter and adventurer was to be inserted in the Patent, by name," so "that posterity may hereafter know who have adventured and not been sparing of their purses in such a noble and generous action for the general good of their country." And all of those on this "List," who were not old adventurers already enrolled in the charter of 1609, as well as the subsequent subscribers to the fund, were enrolled before the new charter was signed and sealed on March 22, 1612.

About a month after the French ship, the *Grace of God*, left Newport, England, Edward Harlie and Nicholas Hobson sailed for North Virginia; and Hugh Lee wrote to Cecil from Madrid that a Spanish ship was about to sail from Lisbon to the discovery of Virginia, under the guidance of an English pilot named Francis Lymbrye. This Spanish ship sailed by order of the king of Spain on April 13, 1611. Ten days thereafter, Francis Cottington, the English ambassador at Madrid, wrote to Cecil of a reported expedition from Lisbon of at least forty sail of ships against Virginia. He had no faith in this report, but told Cecil that the Spaniards were undoubtedly troubled about those plantations. May 3, Cottington wrote again on the same subject to the same purport.

May 26, Velasco wrote from London to his king, telling him of two vessels which had sailed for Virginia or to the island of Trinidad to trade for tobacco. I know nothing of these vessels.

Sir Thomas Gates, with three ships and three carvels, sailed from England for Virginia in May, 1611.

VIII

VIRGINIA, MAY, 1611 — MAY, 1612

SIR THOMAS DALE, DEPUTY-GOVERNOR, MAY—AUGUST, 1611.
SIR THOMAS GATES, LIEUTENANT-GOVERNOR, AUGUST, 1611—
MAY, 1612

SIR THOMAS DALE sailed from the Land's End, March 27, with the Starr (Captain Newport, vice-admiral of Virginia, in charge of the voyage, and John Clark, pilot), the Prosperous, and the Elizabeth, and three hundred people and all things necessary for the colony, and also some horses, kine, goats, "besides coneies, pigeons and pullen" (poultry). They reached the Canaries early in April, and Dominica (West Indies) on May 9, where they took on water, then sailed to Porto Rico, and thence to Virginia and anchored before Algernoune Fort, at Point Comfort, at night, May 22, 1611. The men brought by Dale were classed as "honest sufficient artificers," "honest and industrious men, carpenters, smiths, coopers, fishermen, tanners, shoemakers, shipwrights, brickmen, gardeners, husbandmen, and laboring men of all sorts." Rev. Alexander Whitaker came at this time as one of their ministers, and the Rev. Mr. Poole as another.

Dale found Deputy-Governor Percy and some of the Council at the fort, who had come down to give the Hercules, Captain Adams, then ready to sail, her discharge for England. He detained this ship for his own "letters of Adviso." He found Captain Davis' company and most of Sir Thomas Gates' company in Algernoune Fort. The two forts (Henry and Charles) on Southampton River having been abandoned, his first labor was to repossess them, and on the 23d he viewed the forts and cleared ground about them; then set the carpenters to building cottages for the

present, and the rest to planting corn. Leaving the captains, who had just arrived with him, about this business, and constituting Captain James Davis taskmaster of the whole three forts, he went up the river to Jamestown, and arrived there on Sunday afternoon, May 29, "where he landed and first repaired to the church (the company thither assembled) Mr. Poole preached a sermon. Then Mr. Strachy read the commission which the Lord-Governor had left with him for Sir Thomas Dale, and Capt. Percy surrendered up his commission it being accordingly so to expire."

Little planting had yet been done; but the cattle, cows, goats, swine, poultry, etc., of the former colonists were all in good plight.

May 30, Deputy-Governor Dale held a consultation with the Council, and they decided at once to repair the church and storehouse; to build a stable for their horses, a munition-house, a powder-house, and sturgeon-dressing house; to dig a new well; to make brick; to raise a blockhouse on the north side of the back river to prevent the Indians from killing the cattle; a house to store hay in, and lodge the cattle in winter, and to perfect a smith's forge; besides private gardens for each man, common (public) gardens for hemp and flax, and such other seeds, and lastly a bridge to land the goods dry and safe upon. Captain Edward Brewster with his gang were to repair the church, etc., Captain Lawson with his gang to build the stable, and Captain Newport with the mariners undertook the bridge.

The Council sat again on the next day, when it was "determined with God's grace (after the cornes setting at the Princes Forts) to go up unto the Falls ward to search for and advise upon a seat for a new Towne."

June 1, Deputy-Governor Dale made divers proclamations which he caused to be set up for the public view. One for the preservation of their cattle; another for the valuation of provisions amongst the mariners. On the next day the deputy-governor went down the river with Captain Adams to Algernoune Fort, to give him his discharge for

England. Adams sailed in the *Hercules* on the 4th, taking with him sundry letters, etc. In Dale's letter sent to the Council for Virginia in England he advised them to send a vice-admiral and mariners to reside in the colony to trade and fish for the colonists; also some "able chirurgions."

Returning from Point Comfort, Dale, with an hundred men, discovered the Nansemond River to the head, "despight of the Indians, then our enemies."

After the middle of June, Dale went up James River to search for a proper site for the new town which he had been instructed to plant in Virginia. They searched all the way to the Falls, and finally selected "a high land invironed with the Mayn River, near to an Indian Towne called Arsahattocke;" "80 [50?] miles up the river from Jamestown." He wrote to the prime minister of England: "I have surveyed a convenient strong, healthie and sweet seate to plant the new Town in, from whence might be no more remove of the principall Seate; and in that forme to build, as might accommodate the inhabitants, and become the Title and Name which it hath pleased the Lords [the Privy Council], allreadie to appoint for it." It had been appointed by the Privy Council to name the new town Henrico for Henry, Prince of Wales, the patron of Dale and of Virginia.

Dale thought that he saw good indications of mines about the Falls, and Strachey found in an Indian house certain claws, which he afterwards carried to England, and was assured that they were lion's claws. Whitaker wrote to Crashaw, "that while they were at the Falls, one night our men being at prayers in the corps-du-guard, heard a strange noise coming out of the corn towards the trenches of our men like an Indian '*hup hup*' with an '*Oho Oho*' some said that they saw one like an Indian leap over the fire and run into the corn with the same noise." The English, who dreaded witches in those days, were greatly alarmed. Whitaker thought "there were great witches amongst them and they very familiar with the divill."

April 13, 1611, a large Spanish sloop left Lisbon with the alcaide Don Diego de Molina, the ensign Marco Antonio Perez, and Francis Lymbrye, a pilot of the English navy, under orders from the king of Spain to proceed to Don Gaspar Ruyz de Pareda, governor of Cuba, and under his orders to find out all that they could about the English colony. They left Havana June 2, and reached St. Augustine, Florida, the 8th, where they remained eight days. Thence they sailed on up the coast, sounding, surveying, taking the latitudes, etc. St. Augustine was at 30° close measure, and the point of the Bay of Virginia on the south side was at $37^{\circ} 10'$ north latitude, the distance between the two points being about 170 leagues in a straight line, and about 200 leagues following the coast. They came before Algernoune Fort, where they found a ship lying at anchor, about June 27 (the exact date is not certainly known), and after some preliminaries, Don Diego de Molina, Marco Antonio Perez, and Francis Lymbrye went on shore and were made prisoners by the English, who sent John Clark to try to induce the master of the carvel to permit him to pilot his vessel close to the fort; but the Spaniard, suspecting that something was wrong, kept Clark as a prisoner. The next day, after much parleying over the prisoners on both sides, the master of the Spanish vessel told Captain James Davis that unless he surrendered Don Diego and his companions he would fight him. Davis, in reply to the Spaniard, told him to "go to the Devil," and he returned to Havana, taking Clark with him, and arriving there on July 20, 1611.

Clark was induced to give the Spaniards a description of Virginia, with an account of the state of affairs there at that time, which is interesting, but diplomatic. "There were four forts, all on the north side of the river. First, [Algernoune] Fort at Point Comfort, containing 7 pieces of artillery, two of 35 'quintales,' the others of 30, 20 and 18, all of iron. 50 persons, 40 fit to carry arms, the rest women and boys. The second fort, two-thirds of a league

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from the first, and the third a musket-shot from the second, both fitted with guns for defense against the Indians [Fort Henry, and Fort Charles at Kecoughtan]. The Fourth Fort was the principal settlement [Jamestown], which is 20 leagues up the river from the first fort, and in it there are 16 pieces of artillery. The tides continued up the river 30 leagues above the town. And the Indians reported the South Sea as 16 to 18 days journey above the head of the tide. There were about 1000 persons in all the said settlements, and in the forts some 600 fit for carrying arms. The trade was principally timber and ‘sasi-frage.’ They had brought to the colony 100 cows, 200 swine, 100 goats and 17 horses and mares; and he heard there was a gold mine. He left six ships in the river, namely: — the three which went over with Dale; the two which had been built in the Bermudas, and one [the Virginia?] which was built in said Virginia [in North Virginia?]. And they were then building a galley of 25 benches.” He makes the forts stronger in men and artillery than they really were; the distance to the South Sea farther than the Indians pretended it was; the shipping stronger in tonnage; and one of the Bermudas pinnaces was then in England.

We have no particular account of events in Virginia just after the capture of the Spaniards; but their capture was one of the most important events in the beginning of the nation. They were carried up to Jamestown (probably arrived there about July 1), and taken before Deputy-Governor Dale. An idea of the feeling there may be derived from Dale’s letter to the prime minister of England: —

“A Spanish Carvall came into our river (this summer) fitted with a shallop necessary and proper to discover freshets, rivers and creeks, where she anchoring at the mouth of our Bay upon Point Comfort, sent three Spaniards ashore into the fort there placed demanding a pilot to bring their said Carvall into our River. What may be the danger of this unto us, who are here so few, so weak, and unfortified, since

they have by this means sufficiently instructing themselves concerning our just height and seat, and know the readie way unto us both by this discoverer, and by the help likewise of our owne Pilot, I refer me to your own honorable knowledge."

To add to the trouble the sickly season had begun, and nearly all of those who had not been "seasoned" were sick. There was real need of the strong hand of the law, and, on July 2, Sir Thomas Dale, marshal and deputy-governor, added sundry "marshall laws"¹ to the laws which had already been adopted by the lord governor. Even the colonists at that time acknowledged that these laws were then needful with all severity to be executed; but they were "much mitigated" even before 1614, and finally abolished.

They had from the first expected an attack from the Spaniards. The fleets of Spain were constantly sailing from her American possessions via the Gulf Stream just off the coast of Virginia. We can well understand the great anxiety of Dale and the colonists at that time. They thought that the Spanish carvel, sent out on "a scout," had returned — possibly to the main fleet — with all necessary information.

After waiting a reasonable time, to see what was to follow, about August 27 Dale sent the Elizabeth to England as an "advise" of recent events in Virginia, sending by her letters to the Virginia managers, "the Council," and "Committees" in England; also a letter to the prime minister, urging the necessity of fortifying Virginia more strongly; asking for a standing army of "2,000 men to be here by the beginning of next April; to enable him to fortify, etc.: first, Point Comfort; second, Kiskaick; third, Jamestowne; fourth, Henrico, and fifth, at The Falls;" begging him to rescue the colony as he had previously done; describing the great advantages of the country from the mouth of the river to the Falls; telling him that of

¹ See Force's *Tracts*, vol. iii., no. ii., pp. 20-62.

the 300 brought by him not sixty were then able to work, attributing it rather to their "diseased and crased bodies" than the climate; and lastly telling him about the arrival of the Spanish ship at the "Point and of his three prisoners." The ship also took letters from Whittaker to Crashaw, and from George Percy to the earl of Northumberland. William Strachey, the secretary of the colony, went back in this ship, taking with him "the private advises" and a copy of the "Laws, divine, morall and martiall" which he had taken the pains to gather together for the benefit of such young soldiers as wished to learn their duties. He also carried to England "a falcon and a tassell, the one sent by Sir Thomas Dale to his highnes the Prince, and the other was presented to the Earl of Salisbury." Strachey, after reaching England, wrote a long "Historie of Travaile into Virginia Britannia," etc., a part of which has been printed.

As soon as possible after the arrival of the prisoners at Jamestown, Dale had put his men, as actively as the sickness would permit, to work preparing timber, pales, posts, and rails "for the present impaling of the new town [Henrico], to secure himself and men from the treachery of the Indians, in the midst of whom, he was resolved to set downe;" being now more convinced than ever of the importance of having the main settlement farther from the river's mouth and more inaccessible to the shipping of Spain. While at this work the news came from Algernoune Fort that a fleet of three ships, with three carvels (the same kind of vessel being much used by the Spaniards and like the one recently at the Point), were sailing into the bay. Naturally they supposed it to be the Spanish fleet from which the prisoners had come, and Dale, being a warlike and resolute captain, prepared himself instantly. The land fortifications being still too weak to withstand a foreign enemy, Dale ordered the whole company to board the two good ships, the *Star* and *Prosperous*, and the pinnace, the *Deliverance*, resolved to meet them on the water, and

“rather to fire the Spanish ships with his own, than either basely to yield, or to be taken; assuring his men that if by these means God had ordained to set a period to their lives, they could never be sacrificed in a more acceptable service.” He then caused a small shallop¹ to be manned with thirty good men and sent down the river to reconnoitre; within three hours they returned with the good news that it was an English fleet, “Sir Thomas Gates his Fleet” coming in “after a passage more long than usual.”

Sir Thomas Gates, lieutenant-general of Virginia, returned from Holland in March and sailed from England “toward the end of May 1611, with three ships [the *Trial*, the *Swan* (and *Sarah* ?)] and three carrells [for cattle only], and two hundred and fourscore men and twenty women, and two hundred Kine, as many swine with other necessities.” His wife and daughters went with him. The fleet sailed via the West Indies, and while stopping there his wife died. He arrived in Virginia “a little before Dale’s ships [the ships which brought Dale over] were ready to depart,” about the last of August. As with Dale the emigrants brought by him were nearly all artisans, — workers in iron, builders of ships, millwrights for water-mills, agriculturists, brickmakers and bricklayers, fishermen, carpenters, smiths, etc.

“The worthies being met, after salutation and welcome given,” the commission left by the lord governor was read and handed to Lieutenant-Governor Gates. Sir Thomas Dale, marshal, then surrendered his commission. He next acquainted the lieutenant-governor with such business as he had effected since his arrival, and also with his resolution to build a new town near the Falls, which purpose Lieutenant-Governor Gates approving, he selected from 300 to 350 men, and about the middle of September, 1611, set out from Jamestown with the tide, and in a day and a half landed at the site selected. Having already prepared much of the material, within ten days he had strongly fortified

¹ The Virginia ?

seven English acres of ground for a town, "which in honour of the noble Prince Henrie (whose royal heart was ever strongly affected to that action) he called by the name of Henrico." He next built strong watch-towers at each corner of the town, a fair and handsome church and store-houses ; then houses for himself and men, and by the middle of January, 1612, had made "Henrico much better and of more worth than all the work ever since the Colony began, therein done." The first story of these houses was of brick burnt there by the brick-men. "Here [on Mount Malady ?] they were building [in February, 1612] an Hospital with fourscore lodgings (and beds alreadie sent to furnish them) for the sick and wounded or lame, with Keepers to attend them for their comfort and recoverie."

While Marshal Dale was building Henrico on what is now known as Farrar's Island, Lieutenant-Governor Gates was in charge of the colony, residing at Jamestown. He was busy about building, planting, etc., and loading the ships for England. The country was commodious for ship-timber of all sorts. "The Starr a ship of 300 tons sent prepared with scupper holes to take in masts was not able to stow forty of the fourscore [they were so long], unless they should have cut them shorter." Vice-Admiral Newport sailed for England with this ship in November, and (their mother having died) Gates sent his daughters back with him. Five other ships were sent back to England during the winter with reports of the well-doing of the colony, and after their arrival an account of "The new life of Virginia" was published.

Possibly every ship returning from the colony carried a general or private letter from the governor and Council in Virginia to the Council in England. During Strachey's stay they were "penned" by him under instructions from the officers, and, after he left, by Ralph Hamor, Jr.,—that is, by the secretary or acting secretary of the colony ; and it is constantly to be regretted that so few of these official reports have been preserved.

In February or March, 1612, when Marshal Dale had nearly settled his new town, "dyvers of his men being idell" ran away to the Indians; many were taken again and executed in a most severe manner "to terrify the rest from attempting the lyke." This desertion to the Indians was called "Webbes and Prices designe." About the same time Algernoune Fort was accidentally burnt to the ground. We are told that Captain Davis and his men at once went actively to work rebuilding it, but it seems to have been abandoned for a time after this.

Sir Robert Mansfield's ship the John and Francis reached Virginia with men and supplies probably in January, 1612, and soon returned to England with news; but we have no detailed account of this voyage.

Marco Antonio Perez, one of the Spanish prisoners, died in the spring of 1612.

The Indians had recently been getting more and more into the habit of bringing victuals into the fort at Jamestown. The English became convinced that they came as spies rather than for good affection, and Lieutenant-Governor Gates, having reason to suspect some treachery brewing, caused several of them "to be apprehended and executed for a terrour to the rest, to cause them to desist from their subtell practyses."

May 2, 1612, Captain George Percy "sett Sayle" from Virginia on the Trial.

Mara Buck, daughter of Rev. Richard Buck, and Alice Laydon, the second daughter of John Laydon, were probably born in Virginia in the period covered by this chapter.

IX

ENGLAND, MAY, 1611 — JUNE 3, 1612

*FROM THE RETURN OF THE LORD GOVERNOR, THOMAS WEST,
LORD DE LA WARR, TO THE DEATH OF PRIME MINISTER
CECIL*

LORD DE LA WARR on his return passed Lieutenant-Governor Gates at the Cowes, near Portsmouth, "towards the end of May, 1611" (probably early in June, present style); but he did not come to London until July 1 (N. S.). On the next day he wrote to Cecil, telling him that he had reached London the night before, and had now entirely recovered from the sickness which obliged him to leave Virginia.

The adventurers had placed their greatest hopes on the lord governor, and "his return cast a great damp of coldness into the hearts of all." The abandonment of the colony was again debated by the company; but the representations of Lord De la Warr, delivered in Council and confirmed by oath, induced them still to renew their exertions, and "that Noble Lord, assured them that notwithstanding his ill health, he was so far from shrinking, or giving over the enterprise that he was willing to lay all he was worth on its success, and to return to Virginia with all convenient expedition." He wrote to Cecil: "I dare boldly say there was never more hope than at this present and when it shall please your Lordship I doubt not but to give you full satisfaction to every doubt or scandall that leyeth upon that country, fearing nothing less then an honorable and profitable end of all if it be not let fall." He at once made a short relation or report on his Virginian experience to the lords and others of the Council of

Virginia, which was afterwards delivered to the general assembly of the said company at a court holden the 5th of July; and on the 16th this relation was entered at Stationers' Hall for publication by Sir Thomas Smythe and the Wardens.

About the same time Henry Spelman wrote a relation of his Virginian experience, which it was not deemed advisable to publish.

Within a few days the *Hercules*, Captain Adams, returned from Virginia, bringing news of the safe arrival of Sir Thomas Dale, and cheering letters from him to the Council for Virginia and "to the committees;" all of which was fortunately encouraging to the adventurers under the circumstances then existing.

Captain Matthew Somers arrived in England in the *Patience*, from the Bermuda or Somers Islands, about August 5, with the body of Sir George Somers, whose will (after some legal proceedings) was recorded on August 26.

July 17, the king of Spain wrote from Madrid to Velasco, his ambassador in England, instructing him to send two Catholic spies on the first ship sailing to Virginia, directing them to bring him an exact account of all that is going on there. August 22, Velasco wrote to his king that he would send a trustworthy person by the first ship that may sail for Virginia. He also tells Philip III. of the return of De la Warr; of the disasters in Virginia; of the English purpose to take possession of and to erect a fort on the Bermudas, etc.

August 26, "A ballad called The last newes from Virginia" was entered at Stationers' Hall for publication. I have not found a copy.

Late in the summer, or early in the fall, the *Elizabeth* arrived in England, as a private "Aviso" from Dale to the Virginia Council, telling them of the arrival of the Spanish ship at Point Comfort, etc. As soon as possible, with the especial assistance of Sir Edward Cecil, Sir Robert Mansel, and others, the *John* and *Francis* was sent to Virginia with men and supplies for the colony in this emergency.

November 11, "The Tempest" was produced on the stage.

November 13, the Prosperous arrived from Virginia with sundry letters, making public the arrival of the Spanish ship, the landing of the spies, etc.

November 15, Velasco reported to his king of the arrival from Virginia of the ship bringing news of the Spanish carvel and prisoners—"sailors" as he called them.

The fate of these men became known in Spain early in November, and the matter was promptly brought before the Spanish Council of War. November 12, Hugh Lee wrote from Madrid to Thomas Wilson, secretary to the Earl of Salisbury, about the affair. The next day (13th) the Duke of Lerma, under advice from Philip III., wrote to Secretary Arostequi that Velasco should be instructed to obtain the liberty of these men as soon as possible. The next day (14th) Digby, the English ambassador in Spain, wrote to Cecil about the affair; and the next day (15th) Philip III. himself wrote to Velasco about it. As soon as this letter was received on December 7, Velasco wrote to the English Privy Council on the subject, and the Earl of Salisbury replied to him that they would return the Spanish prisoners as soon as they received the English pilot.

December 14, Chamberlain wrote to Carleton: "The Spanish ambassador was sent for lately before the [English Privy] Council, where it was roundly told him what criminal wrongs, and injustice our nation was still offered in Spain, with this conclusion, that if there was not present redress, the King was fully minded *to recall his ambassador*, etc. . . .

"The Earl of Southampton's journey into Spain is laid aside, and the ceremony of condoling [on the recent death of the queen of Spain] shall be left to the ambassador resident there."

Some time prior to December 19, John Moore wrote from London to Winwood, "there are some fears among the weaker sort of some foreign [Spanish] attempts on Virginia

and Ireland ; ” but that “ no care had been taken to supply Sir Thomas Dale with the 2,000 men whom he demandeth.”

December 23, Sir Edward Cecil entered for publication at Stationers’ Hall “ The Virginian Laws.” These laws, as published, it seems had been compiled by William Strachey, who returned from Virginia on the Elizabeth with private advices. There are several copies of this tract in the British Museum. The “ Grenville ” copy was presented to Sir Anthony Archer by the author, who has written under the printed address : “ Ever to honour your free and noble Disposition, William Strachey.” Another copy has inserted opposite its title a manuscript address : “ To the Reverend ; and right worthy the Title of a Devine, who in so sacred an Expedition as is the reduction of Heathen to the Knowledge of the ever-living true God, stands up, the only unsatisfied and firm Freinde of all that possess, and sit in so holy a Place ; Wm. Crashawe minister in the Middle Temple, William Strachey, somtyme a Personall servaunt and now a Beadsman, for that christian Colonie settling in Virginia Britania ; wisheth full accomplishment of all Goodness, and to that Plantation all happiness, and reall (and if it may be, Royall) Freindes.” This copy is dedicated “ to the Council of Virginia, the Lord La Warr, and Sir Thomas Smith.” Other copies of this (the London) edition are inscribed to “ the Lords of the Councell of Virginea.” I have seen it stated that there was an Oxford edition, but I have never seen a copy of this.

Prior to December 24, James I. sent Velasco word by Cecil that he would have the Spanish prisoners put on Spanish soil, and set entirely free, if the king of Spain would likewise liberate the English then detained on the galleys and in prisons, on which day Velasco reported these things to his king, and advised a favorable answer. A few days after this, Newport, in the Starr, returned from Virginia, bringing the first news of the arrival of Sir Thomas Gates in Virginia, and of the death of his wife in the West

Indies while on the voyage to Virginia. Five other ships returned from Virginia before the following May.

December 23, Digby wrote from Madrid to Salisbury relative to Clark, the English pilot taken from Virginia by the Spaniards, and asking for directions.

January 6, 1612, Philip III. wrote to Velasco: "I shall order the Virginia Pilot, who is in the Havannah to be brought here, so that he may be surrendered when they hand over to us the three Spanish sailors, who are kept in Virginia."

The charter (already granted) which finally passed the seals March 22, authorized a lottery for Virginia, and at a Virginia quarter court, held February 15, the lottery was taken in hand, and also the erecting of an under-company for the trade of the Bermudas. Early in the month this island had been first christened "Virginiola" as a member of that (the Virginia) plantation, but it was now lastly resolved to call it "the Sommer Island," as well in respect "of the continual temporal air, as in remembrance of Sir George Sommers that died there." March 5, Sir Thomas Smythe entered for publication "A booke or thinge called the Publication of the Lottery for Virginia." This was probably a circular or broadside for distribution in the interest of the proposed lottery, the sale of tickets, etc.

February 12, Digby wrote from Madrid to Salisbury relative to the rumor of an expedition from Spain and Portugal probably against Virginia, — the same expedition, probably, as that which came into the Downs, February 20, on the way to the Low Countries.

February 25, Philip wrote from Madrid to Velasco, asking for particular information about the Virginia enterprise and urging him to send spies on board the English ship to Virginia, "since this seems to be the best way to ascertain the nature of that enterprise." I do not know when these letters reached England, but probably within ten or twenty days.

About the 8th of March two ships (one for the Bermu-

das, and the Sarah for Virginia) sailed from England with supplies. And soon after this Harley and Hobson returned from North Virginia, bringing some savages from "the river of Canada," which were shown in London for a wonder.

The men who had deserted Hudson, when they reached England in October, 1611, succeeded in convincing many that they had found the long looked-for Northwest Passage. In December, Sir Dudley Digges and others were preparing ships to be ready by spring, as if there were no doubt or difficulty at all in the matter. The Prince of Wales, the patron of Virginia, was also the patron and protector of this new discovery. And Digby wrote from Madrid to Salisbury that "the Spaniards were much troubled with the bruit of the new discovery of the North-West Passage, which is very distasteful to them."

Early in March, 1612, Digges published his "Treatise of the North West Passage." In it he computes the world at the greatest compass to be 360° or 24 hours (the sun passes 300 leagues or 900 miles per hour), or 7,200 leagues or 21,600 miles — growing less to the north and south of the equinoctial. He estimates "from the Meridian of the Canaries westward to Jamaica, or to keep our paralell to Virginia, by several Eclipses, observed by several men there hath been found a difference of near 60 degrees or 4 Howers." From the Canaries "in the Paralell of 37 to the farthest partes of China," 225° or 15 hours. In this great over-estimate of about 79° , he has been misled by the old computations which he quotes. From China to Drake's Nova Albion he places at 69° , an underestimate of about 38° ; so that, as he thought, the remainder was about 6° or 360 English miles between Virginia and Nova Albion, a mistake of about 41° . "For confirmation whereof, let us remember that the Indians in Virginiaa continually assure our people, that 12 Daies journie westward from the Fals, they have a sea, where they have sometimes seen such ships as ours." And finally he writes: "for

anything we yet can hear, no one voyage to the contrary, we see not but we may conclude, that the Fludde our people mette [in Hudson's Bay] came from the Southern Sea, and till we hear more authentical reasons than of Feare grounded on false Cardes; beleeeve that our Industry, by God's grace, may *this next voyage* manifest the prophesie of Baptista Ramusius, touching the North-West Passage."

"This next voyage" sailed in April under Captain Thomas Button, with Francis Nelson as master of his ship.

The second company charter petitioned for was probably granted by the king before the enrolling of the names began in November, 1610. The warrant for preparing it was issued by the secretary of state, Robert Cecil, Earl of Salisbury; it was prepared by the attorney-general, Sir Henry Hobart, and the solicitor-general, Sir Francis Bacon; passed under the great seal by the lord chancellor, Sir Thomas Egerton, and signed by King James I. March 22, 1612. Obtaining subscribers had been slow work; it had been "kept open" a long time for their names, and it may be that some alterations had been made from the original petition. It seems that the lottery clause had not been added until after the difficulty of sustaining the colony by subscription was evident. Although it was not a legal instrument until the king had signed it, the Virginia Company must have been strengthened all the while by the knowledge that the king had granted their petition.

Like the first company charter (1609), this was and is a most important document. It extended the boundary so as to include all the islands lying within 300 leagues of the continent, between 30° and 41° north latitude, under certain conditions. It admitted the additional adventurers and enrolled their names in the charter as had been done in the first, so "that posterity may hereafter know who have adventured and not been sparing of their purses in such a noble and generous action for the general good of their country."¹ Under the charter of 1609 (Art. XI.), the

¹ For brief sketches of most of see *The Genesis of the United States*, those named in these two charters, Index references and pp. 811-1070.

company in their assemblies had chosen sundry councilors by the voice of the greater part of the company, and had been holding weekly courts of the company, which acts were ratified by Arts. VI. and VII. of this charter; which also, in Art. VIII., greatly strengthened Arts. XIII. and XIV. of the 1609 charter by authorizing "The four great and General Courts of the Council and Company of Adventurers for Virginia," "for the handling, ordering, and disposing of matters and affairs of greater weight and importance, and such, as shall or may, in any sort, concern the Weal Publick and general good of the said Company and Plantation, as namely the Manner of Government from time to time to be used, the ordering and disposing of the Lands and Possessions, and the settling and establishing of a Trade there, or such like." These "great, general, and solemn Assemblies" were to be held "every year, upon the last Wednesday, save one, of Hillary Term, Easter, Trinity, and Michaelmas Terms, forever." "The said Treasurer and Company, or the greater number of them, so assembled, shall and may have full Power and Authority, from time to time, and at all times hereafter, to elect and chuse discreet Persons, to be of our said Council for the said first Colony in Virginia, and to nominate and appoint such officers, as they shall think fit and requisite, for the Government, Managing, Ordering, and Dispatching of the Affairs of the said Company; And shall likewise have full Power and Authority, to ordain and make such Laws and Ordinances, for the Good and Welfare of the said Plantation, as to them, from time to time, shall be thought requisite and meet: So always, as the same be not contrary to the Laws and Statutes of this our Realm of England," that is, not inconsistent with the English Constitution. This Article, and Articles XI., XIII., XIV., and XXII., of the charter of 1609, may be called the entering wedges of American liberty, the heralds of our Declaration of Independence. The constant aim of Sir Edwin Sandys was evidently to make the charters gradually more and more

popular and favorable to the company and colony. The encouragement Article (XIV.) in the charter of 1606 permitted the company to transport "goods, chattels, armour, munition and furniture needful to be used by the colonists" free of duty for seven years from April, 1606; while the encouragement Article (XI.) in this charter permitted the company to transport "shipping, armour, weapons, ordinance, munition, powder, shot, victuals, all manner of merchandises, etc., all manner of clothing, implements, etc., and all other things necessary for the said plantation etc., and in passing and returning to and from, without paying or yielding any subsidy, custom, or imposition, either inward or outward, or any other duty, to us, our heirs, or successors, for the same, for the space of seven years from the date of these presents" (March 22, 1612, to March 22, 1619).

The charter granted the company many other privileges, one of the most important being the authorization of lotteries for the benefit of the colony, and making it lawful for the company to "publish the schemes of their Lotteries." This was probably the "booke or thinge" entered for publication on March 5.

April 1, Philip III. wrote to Velasco that he had received an account of the Virginian enterprise from "a person zealous to serve me,"¹ which treats of the serious troubles likely to arise if the English get a footing in that region; and ordering Velasco to "act with dispatch in all that concerns this matter." April 14, Velasco reports to his king the sailing of two ships to Virginia, and the proposal to send eight ships and about one thousand men, "in the last days of this month," in which ships he would send a suitable person for a Spanish spy, if one could be found.

April 18, Sir Edwin Sandys wrote to the mayor and jurates of Sandwich, calling on them for their subscription, and sending them "the proclamation" concerning the Virginia lottery, "a book" of instructions about it, and

¹ Who was this?

asking their furtherance of it. "Presuming greatly of your affectionate rediness to aid and advance so worthie an enterprise tending so greatly to the enlargement of the Christian truth, the honor of our nation, and benefit of English people, as by God's assistance the sequell in short time will manifest."

May 7, Richard Moore was commissioned by the under-company for the Somers Islands, as deputy-governor, and embarked on the Plough the next day. "Sir Thomas Smythe was then Governor, and Master William Canning the deputie-governor of this Company."

May 9, the Grocers Company adventure £62 10s in the lottery for Virginia. For some cause the drawing had to be put off, and on May 26, Sir Thomas Smythe had entered for publication a broadside, probably by the Council of Virginia, "touchinge the deferringe of the Lotterye." Five days before this Master Welby had entered for publication "under the hands of Sir Thomas Smythe, Sir Dudley Digges, Master Robert Johnson and the Wardens, The Lotterys best prize, declaring the former successe and present estate of Virginia's Plantation." This tract, generally known as "The New Life of Virginia," first gives an account of events up to the last sailing of Sir Thomas Gates, secondly, "of the present estate of the businesse," and "the third doth tend as a premonition to the planters and adventurers for the time to come."¹ The official publications issued in the interest of the enterprise are not expected to give information which might injure it, and the historian has to regard them as partisan evidence of a friendly character; but they reveal to us some of the lines along which the managers worked, some of the troubles which they had to meet, some of their objects or ideas of the present and hopes for the future, and along these lines they must be regarded as authentic evidence of the highest value. They are in every way preferable as evidence to those issued in the interest of a person; as a criticism, or

¹ See Force's *Tracts*, vol. i., no. vii.

other partisan evidence of an unfriendly character. This tract was written by Robert Johnson, the deputy-treasurer for Virginia, and dedicated to Sir Thomas Smythe, "governour of the Moscovia and East India companies, one of his Majesties Counsell for Virginia and Treasurer for the Colony." To him Johnson writes: "It is come to pass (right worshipful) with the business and plantation of Virginea, as it is commonly seen in the attempt and progress of all other most excellent things (which is) to be accompanied with manifold difficulties, crosses and disasters, being such as are appointed by the highest Providence, as an exercise of patience and other vertues, and to make more wise thereby the managers thereof. . . . For which cause (right noble Knight) I have set myself to publish this brief apology to the sight and view of all men, not to answer any such in their particular folly, but to free the name itself from the injurious scoffer, and this commendable enterprise from the scorne and derision of any such, as by ignorance or malice have sought the way to wrong it. Which albeit I am well assured will no way avail to admonish or amend the incorrigible looseness of such untamed tongues, yet shall I hold mine endeavours well acquitted, if I may but free yourself, and so many right noble, and well affected gentlemen (touching the former ill success) from wrongfull imputation, as also satisfie the despairing thoughts, and quicken the zeal of the friends and lovers to this business. . . . And this I offer to the patronage of your worship alone, being the chieftest patron of this and of many more worthie services; wherein I presume not any way to counsell or direct your wisdom in your further proceedings, whom long experience in Common-wealth affairs (besides that abilitie and wisdom of mind infused by God) hath made most able and sufficient of yourself to direct many others, but as wishing hereby (if I might in some measure) to ease the burthen of your mind, under the wise and painfull managing of your many publike actions: for which I pray that God will please, to continue still your health and strength

of body, with answerable success, to your honest, wise, and most approved desires.”

This tract states that Captain Argall was then ready to sail with two ships, and that the lord governor himself was preparing to go again in person. Argall did sail soon after in one ship; but the statement, as a whole, was probably issued for the purpose of misleading, as it is evident that the Spanish ambassadors were constantly fed with reports of large expeditions preparing for Virginia.

May 30, the Easter term quarter court of the Virginia Company was held, but I have not found any particular record of their proceedings.

April 28, Digby wrote from Madrid to the Earl of Salisbury relative to the appointment of Zuñiga as ambassador extraordinary to England. “It is thought that he will be directed to use many instances unto his Majesty, for the removing of the Plantation in Virginia, and which they thinke fit first to assay by fair means and intreaty to his Majesty, tho’ I should be sorry, in the mean time, they should be trusted; for that I know, they have had many consultations for the supplanting of our men. But I cannot learn, that there is any particular Resolution taken therein, but that in generall it is concluded, that our setting there is not to be permitted.” This was probably the last letter received by Cecil from Madrid relative to Virginia; he died on June 3, 1612. He was the constant and faithful friend of the Virginia enterprise from the first beginning to his own death. And, save for him, it was then said that this enterprise (of which he was the patron) must have been abandoned as was that of Sir John Popham.

X

VIRGINIA, JUNE, 1612 — MAY, 1613

SIR THOMAS GATES, LIEUTENANT-GOVERNOR

ABOUT March 8, 1612, two ships sailed from England, one for the Bermudas, the other, the Sarah (probably the Sarah Constant of 1606), for Virginia, with men and supplies. She probably arrived in June, but I have found no detailed account of the voyage. She brought the news that the second company charter had been signed and sealed. She sailed from the colony about August 7, taking among other things the usual official letters (now missing) and Whitaker's "Good Newes from Virginia," with his letter from the new town (Henrico) to Sir Thomas Smythe, in which he writes: "The God of heaven and earth crown your undaunted spirit with his heavenly reward. And Let the beautie of the Lord our God be upon us; and direct thou the workes of our hands upon us, even direct thou our handie workes." The first portion of his "Good Newes" is a sermon or appeal for Virginia based on the text, "Cast Thy bread upon the Waters: for after many daies thou shalt finde it." The second portion is a description of the people and of the land of Virginia. He says: "The naturall people of the Land are generallie such as you heard of before. A people to be feared of those that come upon them without defensive Armour, but otherwise faint-hearted (if they see their Arrowes cannot pearce) and easie to be subdued. Shirts of Male, or quilted cotton coates are the best defence against them."

The knightly ideas of the feudal times gave way under James I., and the use of armor declined in England; but the old armors were burnished up and made use of in

Virginia against the Indians from the beginning of the colony; armorers were sent over to keep them in repair, being glad to go, as there was little work for them to do in England. The armor used by the colonists consisted of "head pieces" of sundry sorts; coats of mail, of steel, and of plate; quilted coats, buff coats, jacks or jackets, and corselets, with an occasional "targit."

Indian arrows would not pierce English armor; in order to kill the colonists, the Indians resorted from the first to their natural cunning, and by one device or another they were constantly "cutting them off."

The powder-arms of the English (besides the heavy guns of the forts) were snaphaunce-pieces, matchlocks, muskets, pistols, and petronels; their side-arms were swords, rapiers, hangers, and daggers.

In this year Jeffery Abbott and others, attempting to run away "in a barge and a shallop [all the boats that were then in the colony] and therein to adventure their lives for their native country, being discovered and prevented, were shot to death, hanged and broken upon the wheel." They were guilty of two capital crimes — desertion and carrying off the boats. About the same time Marshal Dale drove the Appomattox Indians from their habitation between the Curles of James River and the Appomattox, being determined to possess the boundary and to plant there. These two events took place in 1612, after May; but the exact date is unknown to me.

Captain Samuel Argall, who had sailed from the coast of England, August 2, 1612, in the *Treasurer*, to remain some time in Virginia, and to displant the French colony in New England, arrived at Point Comfort, September 27, with all his men in good health, the number being sixty-two, and all his victuals very well conditioned; where, by the discreet and provident government of Lieutenant-Governor Gates, "and great pains and hazard" of Marshal Dale, he found both the colony and the colonists in far better estate than the report was by such as came home in Sir Robert Mansfield's ship.

Newport had succeeded Sir George Somers as admiral of Virginia, but he was afterwards appointed one of the six masters of the royal navy, and Argall then succeeded him as admiral of Virginia, to remain in the colony, etc.

During the next six weeks, among other things, Admiral Argall under Marshal Dale was pursuing the Indians in Nansemond River for their corn, of which they got a good quantity; at which time the marshal "escaped killing very narrowly."

In November Argall, by the advice of Lieutenant-Governor Gates, carried Sir Thomas Dale to the eastern shore, to "Sir Thomas Smith's Island," to have his opinion about inhabiting it, who, after three days' march in discovering it, approved very well of the place, especially because of the abundance of fish there.

In December, 1612, and January, 1613, Argall was trading with his old friend the king of Pastancy, in Pembroke and Potomac rivers, where he obtained 1400 bushels of corn; and leaving Captain Webb, Ensign Swift, Robert Sparkes, and two boys, as hostages in the place of sundry Indians taken by him in token of a peace concluded with divers Indian lords, he arrived at Point Comfort, February 11, 1613.

According to the information given to Velasco, when the ship Sarah, which sailed from Virginia in August, 1612, left, "the Indians were holding the colonists in such strict confinement that they could not leave their forts to obtain provisions without running great danger." And in July, 1613, "he thought that the people must have perished." With "the generallity" in England this period was the darkest hour in the life of the colony; but the managers held their faith in Gates and Dale and Argall. It was not in their plan to send any large number of people until those who had become acclimated had had time to prepare the ground and make ready to receive them, and they could not have been really expecting any ships from Virginia. In the colony, destiny was shaping its ends. John Rolfe

was taking the pains to plant, tend, and cure the first crop of tobacco for export ever made by an Englishman in Virginia.¹ And this "vile weed," as some called it then and now, was in a few years to make Virginia self-supporting, and in time, to all intents, an El Dorado.

March 29, 1613, Argall, in the Treasurer, left Point Comfort for Pembroke (Rappahannock) River, and discovered it to the head, which is about sixty-five leagues into the land. He marched into the country, where he saw many buffalo ("cattle as big as kine"), and discovered sundry mines. "Whilst he was in this business, he was told by certain Indians, that the Great Powhatans daughter Pokahuntis was with the great King Patowomeck, where he presently repaired, resolving to possess himself of her by any stratagem that he could use, for the ransoming of so many Englishmen as were prisoners with Powhatan; as also to get such arms and tools as he and other Indians had got by murther and stealing from the English, with some quantitie of corn, for the Colonies relief."

Soon after arriving in the Potomac, with the aid of "the king of Pastancy,"² Argall succeeded in having the Indian princess delivered on board the Treasurer. And as soon as this was done, he sent an Indian messenger to Powhatan, to let him know that his daughter was a prisoner, and to tell him that if he would send home the Englishmen whom he detained in slavery, and such arms and tools as the Indians had stolen, and also a great quantity of corn, then he should have his daughter restored; otherwise not.

"This newes much grieved this great King, yet, without delay, he returned the messenger with this answer: That he desired Argall to use his daughter well and bring the ship into his river, and there he would comply with the demands, and they should be friends."

Having received this answer, Argall presently departed

¹ I have not been able to locate the spot of ground on which this crop was cultivated.

² Passapatancy is in King George County, Virginia.

from the Potomac, on April 23, and repaired with all speed to Lieutenant-Governor Gates at Jamestown, to deliver to him the prisoner Pocahontas, so that he could conclude this peace with Powhatan on his own terms and on his own responsibility.

Within a few days after her delivery to Gates, her father sent home toward her ransom seven Englishmen, also three snaphaunce-pieces, one broad axe, a long whip-saw, and one canoe of corn, with sundry excuses, to which Gates replied, "That his daughter was very well and kindly intreated, and so should be, howsoever he dealt with us; but we could not believe that the rest of our arms were either lost or stolen from him, and therefore, till he returned them all, we would not by any meanes deliver his daughter."

This answer, sent to him in May, 1613, "pleased him not very well, for we heard no more from him till March, 1614."

Sir Thomas Dale, as marshal, had special charge of the prisoners, and he took an especial interest in Powhatan's daughter, causing her to be carefully instructed in the Protestant religion.

It is interesting to note that at this time there was "a gentleman from Venice" in Virginia, a convert to Protestantism, who, under the instruction of the Alcayde Diego de Molina (one of Dale's security prisoners, or hostages perforce), was restored to his first religion, the Roman Catholic; Molina also claimed to have made proselytes of several of the English colonists. Although a prisoner, he seems to have been as active for his religion as Dale was for his.

Argall, "being quit of his prisoner," went forward with the building of the frigate which he had left at Point Comfort, and finished her. He then put the Treasurer in charge of his master to be fitted for his intended fishing voyage. And, while some of his men were fortifying at the point, others building a fishing-boat, and others fishing at Cape Charles for the relief of the men at Henrico, Argall himself, on May 11, went in his shallop to discover the east

side of the bay ; noting the many small rivers, harbors for boats and barges, islands, etc., he thought that salt might easily be made there, and found “great store of fish, both shelfish and other. So having discovered along the shore some forty leagues northward, I returned to my ship, May 22, and hasted forward my business left in hand at my departure ; and fitted up my ship, and built my fishing boat, and made ready to take the first opportunity of the wind for my fishing voyage, of which I beseeched God of his mercy to bless us.” So Argall wrote in his letter as then published ; but he was not really going on a “fishing voyage.” He had been ordered to drive the French Jesuits from North Virginia, and he “beseeched God of his mercy to bless” the effort which they were now ready to make in the execution of that order.

XI

ENGLAND, JUNE 4, 1612 — JULY, 1613

JAMES I. ACTING AS HIS OWN PRIME MINISTER

ON June 18, 1612, Velasco reported to his king that the English were preparing to settle and to fortify the Bermudas.

June 6, Philip III. wrote to Velasco approving his plan of sending spies to Virginia; the letter probably reached England within two weeks. Because Spain did not go to war with England it has been said that "the opposition of Spain to the plantation of Virginia amounted to nothing;" but war with Spain was exactly what was wanted in England, and war is not the only obstacle which nations can impose. The modes of opposition pursued by the Spaniards were really more perplexing to the company, and more apt to succeed with James I., than open war.

In the Chalmers Papers it is written that "Lord Digby wrote several letters from Madrid on June 9,¹ where he was Ambassador, informing the English Ministers of the Spanish consultations about Virginia — that they would remove the planters by force if they did not think that the colony would be deserted."

Not yet knowing of Salisbury's death, Digby wrote to him from Madrid on June 30: "They are very much displeased with our new discovery of the Northwest passage; but more particularly with our plantation in Virginia." They threatened if James I. did not recall the colony that Spain would be obliged to assay the removal of it by force. "And I hear that Don Pedro de Zuñiga hath commission [from Philip III.] to move his Majesty [James I.] that his subjects

¹ I have not found these letters.

may desist from any farther proceeding therein. If he have, I doubt not but he will receive a cold answer. And for their doing anything by the way of hostility, I conceive they will be very slow to give England (who is very apt to lay hold on any occasion) so just a pretence to be doing with them." This had been the real obstacle in the way of Spain's attempting to remove the colony from Virginia by the "strong hand" from the first. She had not forgotten the ravages of Drake, Hawkins, Somers, Newport, and others in the time of Elizabeth. The cargo of the *Madre de Dios*, carried to Dartmouth by Captain Christopher Newport, in 1592, was worth much more to Spain than the whole of the English claim in America then was.¹ In the case of war, which the English were anxious for, Henry, Prince of Wales, and patron of Virginia, had already expressed the wish to command the English fleet against the Spanish West Indies.

William Strachey wrote his "*Historie of Travaile into Virginia Britania*" about this time. In his letter to Sir Allen Apsley he refers favorably to the "late" discourse on the Northwest Passage by Sir Dudley Digges.

Louis XIII. of France granted to Madame de Guercheville, the protectress of the Jesuit missions, all the territory of North America from the St. Lawrence to Florida, and she was sending her missionaries to this region, which was the Virginia of the English. We have seen that the Grace of God, with Father Biard on board, had been at Newport, England, in February, 1611, and that the account of the Spaniards in Virginia reached England in the autumn of 1611. These things were duly considered in the Virginia courts, and at the Trinity term of the Virginia quarter court, July 11, 1612, Captain Samuel Argall was appointed admiral of Virginia and commissioned to remain in Virginia and to drive out foreign intruders from the country granted to Englishmen by the three patents of James I. He soon sailed from London in the *Treasurer*,

¹ *Genesis of the United States*, pp. 4-28.

well equipped for carrying out his commission. He sailed from the coast of England on August 2. While he was in Dover Road, about July 14, the *Trial*, in which ship Captain George Percy returned from Virginia, passed him.

July 9 to July 30, the great lottery was being drawn in a new-built house at the west end of St. Paul's. Cities, towns, churches, companies, and all classes of people were drawing lots. A second lottery was at once taken in hand.

July 15, our old enemy Zuñiga, who had been created Marques de Villa Flores and sent to England as ambassador extraordinary to offer the hand of Philip III., king of Spain, to the Princess Elizabeth of England and to treat about Virginia, had his first audience with King James, who appointed July 20 as the day, and Whitehall as the place for receiving his message. On July 19, Chamberlain wrote: "It is generally looked for that he will expostulate about our planting in Virginia, wherein there will need no great contestation, seeing it is to be feared that that action will fall to the ground of itself, by the extreme beastly idleness of our nation, which (not-with-standing any cost or diligence used to support them) will rather die and starve then be brought to any labor or industry to maintain themselves. Two or three of the last ships that came thence bring nothing but discomfort, and that Sir Thomas Gates and Sir Thomas Dale are quite out of heart, and to mend the matter not past five days since here arrived a ship [the *Trial*] with ten men (who being sent forth to fish for their relief and having taken great store) have given them the slip and run away [from Virginia], and fill the town [London] with ill reports, which will hinder that business more then the Lottery or any other art they can use for the present will further it, and yet they have taken good order to have these runaways apprehended and punished or at least sent back again."

Evidently the Virginia matter was an especial part of Zuñiga's business in England, because he (not Velasco) made the reports to his king on that subject so long as he

remained in London. On August 1, Archbishop Abbot, primate of England, wrote to James I. : " The lingering in England of Zuñiga is very suspicious. He has secretly dispersed £12,000 or £13,000 already in England, and tampers by night with the Lieger ambassador from France. He was in England at the time of the Powder treason, and God knows what share he had in that business." On the same day, Zuñiga made a report to his king on the Virginia enterprise, the lottery, etc., telling him that the English were intermarrying with the Indians, and urging him " to drive those people out from there."

August 11, Calvert wrote : " Zuñiga is yet here no man knows why, for he hath taken his leave of the King." August 13, Abbot again wrote to James I. about Zuñiga, saying : " The king of Spain has an advantage in England, because he can avail himself of discontented Catholics." August 16, Zuñiga again reports on Virginia to Philip III. that " in order to get the footing there, which they desire to obtain, they will sell their own children, to put the Colony into the best possible condition, which even the well-in-formed cannot deny ! " and " What they desired was to make the Colony a harbor for piracy against the shipping of Spain." Finally, James I. wrote to his ambassador in Spain to find out the reasons for Zuñiga's long stay in England.

A ship from Virginia reached England in September, 1612, and the next news from that colony was not received until July, 1613, and this long period of suspense was " the darkest hour in all that time of three years disaster." It is not certain to me whether this ship was the John and Francis, the Sarah, or the Plough, returning from the Bermuda Islands via Virginia.

September 24, the Earl of Northampton wrote to James I., describing the " Iland of Devilles." The king, since the death of Cecil, had been acting as his own prime minister, and continued so to do for nearly two years. August 31, Digby reported to him from Madrid the rumor from Seville

that three or four Spanish galleons, sent against the English plantation in Virginia, had been cast away on the coast of Florida. September 11, in reply to the request of King James, Digby reports that Zuñiga had *three* businesses in England, and that the second was concerning Virginia. On September 23, Digby sent to King James the report of an attempt shortly to be made for the removal of the English from Virginia. October 2, Digby wrote to Carleton of the Spanish intent to remove our plantation in Virginia. And although he had been doubtful about this, he now believed that the Spaniards would serve the Englishmen in Virginia "as they did the Frenchmen in Florida."

Without doubt Philip III. was exasperated at the refusal of his hand by the Princess Elizabeth, and by the continual refusal of James I. to recall the English at his request so frequently repeated; but his interests forced him to go slow in this matter. His greatest enemies in England were most anxious for him to "attempt Virginia," as this would justify an attempt by the English against his rich plate fleets. Many of those interested in planting Virginia were really moved thereto by this object and with this hope in view.

About this time a rumor reached Seville "that the Spaniards had overthrown our men in Virginia," and Digby had an audience with the Spanish secretary of state about it, who assured him "there was no such thing hitherto to their knowledge. But that it was true indeed that the Spaniards were much discontented that the plantation was permitted." October 20, Digby wrote to Sir Thomas Edmonds, the English ambassador at Paris: "Not only the Kings galleys of Spain and Italy, but likewise his fleet of ships are to meet Don Diego Brochero in Portugal and diverse regiments of soldiers will attend him. The vulgar rumour is that these forces are to be used against our plantation in Virginia. The Councill of Haziendo have already provided a million for the journey." . . .

November 3, Philip III. wrote to Velasco thanking him

for his zeal in keeping his king informed of what is going on in the Virginia business and charging him to continue, "so that here may be done whatever may appear to be necessary."

November 16, Henry, Prince of Wales, the patron of Virginia, died.

November 22, Digby reported to James I. about a view which he had had of Zuñiga's dispatch from England: "That there was no cause to apprehend so much danger from Virginia as they did in Spaine, there being only five hundred men there who had of late suffered great extremitie and miserie;" that the first undertakers "were growne so weary of supplying the charge, that they were faine to make a generall kind of begging by the way of a Lottery;" "so he held it not unlikely that the Business might sink of itself, since it was maintained but by these shifts."

The Michaelmas quarter court of the Virginia Company was held on Wednesday, November 28, or probably on Wednesday, December 5, on which day the company sold the Somers Islands to several gentlemen "for £2,000 of lawfull English money."

The third payment on the adventures of 1610 and 1611 was now due, and the company found it hard to make collections. At least two thirds refused to pay. The general feeling during 1610-1612 was one of gloom, beginning with the return of the fleet (1609-1610), increased by the return of Gates (1610), of De la Warr (1611), of the Trial, in July, 1612, and after the death of Prince Henry the abandonment of Virginia was again seriously debated.

Digby, in his letter to Edmonds of October 20 already quoted, also wrote: "There is newes come bothe from Lisborne and Seville that the Spaniards have certainly overthrown our people in Virginia, with a fleet and army which they sent from ye Havana. And very many particulars — both of their assaulting, and of ye English defending — are related." Such reports as these furnished the basis for the statement in the French Mercury of this

year: "That the Spaniards had put to the edge of the sword all the English in Virginia." Where the wish fathered the thought this story was believed. John Floyd, the celebrated Jesuit, in his reply to Crashaw's sermon of 1610, written about this time, says: "*We know (saith M. Crashaw) that as soon as this intent, and enterprise of our Nation is Known at Rome, forthwith there wilbe a consistory called, and consideration will be had (with wit and policy inough) what course may be taken to crosse us, and overturn the business. But if they have never a Gamaliel left (saith he) let me tell them (and we are willing to heare him for now he will speake a truth, which is a rare thing in him) if this worke be only of men, it will come to naught of itselfe without their help.* Which Prophecy taken out of Scripture, the event hath shewed most true. But the other that the Pope would gather a Consistory, and imploy his policy against it, the world knoweth to be false; and no mervaille being a prophesy devised in M. Crashawe's head, and uttered out of his own Spirit. And poor soul that dreameth the Pope would hinder him and his fellows from that voyage by cursing them, whom should the King's Majesty press to go in person, and leave his new wife, the man would (I dare say) take it very unkindly, and though the Pope should prick him on with a spurr, yet would he draw back."

Floyd was particularly severe on those ministers "who preached Virginia," but remained in England. He writes: "Truly I heard a gentleman of Honour say, that he heard it from the Lord De-la-Ware himselfe, that making meanes in both Universityes to move Ministers to goe with him *this Apostolicall journey*, yet he had gotten no more then one; which one as I have heard also credibly reported, played the man. For when a troop of some English had arrived in Virginia, being in great distresse, having nothing left to live on but a few peas, which spent they were to dig their dinners out of the ground; the peas being at the fire, the Savages came upon them, whom the Minister exhorting

in the Lord to fight valiantly, himself remained to be cook : and not to be idle whilst others were fighting, set sharply on the peas-pottage and devoured greedily (for he had fasted long against his will) that poor pittance, shewing himself no less valiant then they were ; who as they all fought for him, so did he eat for them all." But Floyd was not only severe on the Protestant ministers ; he has no good words for the emigrants to Virginia or for the movement. He was an Englishman ; but his tract is written from an unfriendly religious standpoint.¹

The first edition of " Purchas his Pilgrimage " had been entered for publication on August 17 ; the preface is dated " Nov. 5 " (O. S.). It probably issued from the press in December, shortly before the publication of the Smith Tracts at Oxford. An avowed motive of Purchas was to free the country from blame and to lay the cause of the " defeailement " on man ; to criticise the conduct of the men who had been engaged in the work. Smith's Oxford Tracts were along similar lines, though the motive was more selfish, to a certain extent taking issue with " The New Life " and other publications of the managers.

Since the beginning those on whom the movement was depending had been contending " against manifold difficulties, crosses and disasters." They were now " in this dark hour " subjected for the first time to criticism through the public press, and their " exercise of patience and other virtues " was to be henceforth tried by an increasing public opposition to their mode of managing the movement and method for settling Virginia, until their charter was annulled and their enterprise resumed by the Crown.

January 17, 1613, Biondi wrote from London to Carleton, telling him of a rumored Spanish Armada gathering ; " some say for Virginia, others England and others Ireland."

¹ " The overthrow of the Protestants Pulpit-Babels, convincing their Preachers of Lying & Rayling, to make the Church of Rome seeme mysticall Babell. Particularly confuting W. Crashawes sermon at the crosse," etc.

January 20, the English Privy Council ordered the sheriffs of the English counties to search the houses of recusants for arms, as they were expecting a Spanish invasion. The unfound letters of Velasco, of January 22 and 23, may have related to these things as well as to the preparations made for Virginia, and for the marriage of the Palatine. January 25, Velasco reported to his king that Digby had informed James I. that the Spaniards were fitting out a great fleet to be sent against Virginia and Bermuda, and that the English were preparing five ships, with fifteen hundred men and ammunition, to reinforce those posts. They "will sail towards the middle of March."

About five days thereafter the companies sent out two ships to the Bermudas, one of which (the Elizabeth, Captain Adams) went on to Virginia, "warning the colonies to prepare with all expedition for their defence against the Spaniards, whom they understood ere long would visit them." The company had now spent many years and a sum equivalent to over \$1,000,000 on the enterprise. Many saw no hope of ever reaping a profit, because so far nothing had been received from Virginia which it really paid to transport. The Spaniards were claiming the country, which so far had been of little benefit to them, and a war was threatened. Many in England desired to give over the country, and several letters and rumors to this effect went to Virginia by this ship.

February 13, the Hilary term quarter court met and authorized a broadside relative to the Virginian lottery, which was published soon after.

February 5, Sir Thomas Edmonds wrote from Paris to James I. regarding the Spanish fleet to be employed "this spring for the removing of our plantation in Virginia."

February 24, the Princess Elizabeth married Frederick, Prince Palatine. The marriage was celebrated with "Masks" in which "the Virginian priests" were personated. John King, Bishop of London, wrote: "The festivals have passed, not without caution against some practise so much

prognosticated. The king shows his people that he will not be surprised sleeping. Rome would be mistress of the Church, and Spain of Nations."

February 7, and again on the 13th, Philip III. wrote to Velasco urging him to hasten the release of the Spanish prisoners in Virginia. February 28, Digby wrote from Madrid to James I. inclosing a letter relative to the preparing of the Spanish fleet; telling him that "John Clarke the English Pilot," taken in Virginia, was that day "clapped up into close prison," and that he intended sending "a couple of fitt persons" to enter into the Spanish naval service as spies. On March 15, Digby wrote again on the same subject. On April 1, the king of Spain wrote to Velasco on the Virginia matter, and (not knowing of "the hastening of the marriage as a caution against some practise") also urging him: "If you can find decent and secret means for it, I shall be glad for you to prevent the marriage of the Palatine."

Whitaker's "Good Newes from Virginia" was published about this time with an "Epistle Dedicatory" by the Rev. William Crashaw, who soon after published Jourdan's "Plain Description of Bermuda."

Father Floyd's attack seems to have aroused the Protestant ministers; but their energy took the form of writing up the enterprise from the standpoint of "the Defender of the faith," rather than of going to Virginia in person, as Floyd had suggested that they should do. I cannot find that the Oxford Tracts or the Crashaw tracts were entered for publication at Stationers' Hall; but they probably received special license from James I., which was sufficient. The motive of all these tracts was virtually the same — to show that the enterprise had prospered and been brought to a good state of forwardness under the king's form of government, and that the ruin was owing to the alterations in the charters, etc. They mark the beginning of the movement in favor of the king's resuming the government, and that the idea received favorable consideration from

the king cannot be doubted. There are many reasons why the ideas of the publications of this period (Purchas and these tracts) should have found favor then ; but we can test the accuracy of these ideas more correctly now that we are free from the various motives which were influencing opinions at that time. And without intending to do so the publications of these clergymen have obscured one of the brightest stars in the galaxy of the history of their church.

In April, 1613, the *Martha* was sent to the Bermudas. About the same time Christopher Brooke, Esq., began bringing suits for the Virginia Company before Lord Chancellor Ellesmere against the delinquent adventurers.

May 13, "the last day of bringing in any money" to the Virginia lottery, was a preparative court of the company. On the same day the Muscovy fleet sailed, and two days after the Easter quarter court met. May 13, Edmonds again wrote from Paris to James I. about the Spanish fleet "to be employed for removing our plantation in Virginia," and again on May 7.

April 30, the Spanish Council of State consulted over the dispatches of Velasco, relative to the Spanish prisoners in Virginia. The report of the consultation reached England late in May, about the time of the return of the ship from the Bermudas. May 30, Velasco sent his king a report on the return of this ship, with a description of the island. He tells the king that they had not heard from Virginia for several months, and it was thought that famine and the Indians had made an end of the English colony. Philip III. wrote to Velasco on May 19, and again on the 23d, relative to the exchange of the Spanish prisoners in Virginia.

Digby wrote from Spain to James I. on May 23, to Carleton June 1, and to Sir Thomas Lake June 5, relative to the Virginia enterprise, and in each of these letters stated that the Spaniards, owing to their advertisements from England, were in great hope that the business would fall of itself. On June 14, he wrote again to James I.,

inclosing to him "the secret Instructions, relative to Virginia and other matters," to Gondomar, one of the ablest diplomats in the Spanish service, who had been recently appointed to succeed Velasco, at London, in the management of these matters.

June 26, the Trinity quarter court met, but the records are wanting.

July 12, Velasco reported to his king regarding his efforts about the exchange of prisoners. He said James I. had ordered a letter to be written to the governor of Virginia to send the Spanish prisoners to England, which letter had been sent to Virginia by the Elizabeth; "but now for more than nine months no news of it have been received, and according to the last reports it is believed that the people in Virginia must have perished, partly from the *disease to which the country is subject*, and partly from starvation, with which they were threatened, as the Indians kept them so closely besieged, that they could not come out from the fort to obtain provisions. Thus this plantation has lost much ground, as it was sustained by companies of merchants, who were disappointed at finding no gold nor silver mines, nor the passage to the South Sea, which they had hoped for. They now fix their eyes upon the colony in Bermuda," etc.

XII

VIRGINIA, MAY, 1613 — FEBRUARY, 1614

SIR THOMAS GATES, LIEUTENANT-GOVERNOR

ABOUT the last of January, 1613, the Elizabeth, Captain Adams, was sent to Virginia, "with men and supplies," via the Bermudas, to warn the colonists "to prepare with all expedition for their defence against the Spaniards, whom they understood e'er long would visit them." The ship reached Point Comfort on May 24, where Argall was busy with his preparations. Being sent as an "Adviso," she was to return as soon as possible.

May 28, the Alcaide Molina wrote to Velasco, the Spanish minister in England, a secret letter, to be sent by "the gentleman from Venice," who was going to return on the ship, and whom Molina introduced to the ambassador "as being a person perfectly trustworthy, whose account of affairs in Virginia could be relied on. The gentleman desired to go to Spain and to make amends for his past transgression by revealing to Philip III. the status of the English colony in Virginia."

From the beginning the enterprise had been a heavy expense on the promoters, and after the death of Prince Henry there was a growing desire in England to give over the country, and letters and rumors to this effect had reached Virginia by this ship. Although Dale himself felt the death of Prince Henry (as will be seen by his letter to the Rev. Dr. Mocket, sent from Virginia by Captain Argall in June, 1614), in reply to these reports he wrote to Sir Thomas Smith at this time (June, 1613), as follows: "Let me tell you all at home this one thing, and I pray you remember it; if you give over this country and loose

it, you, with your wisdoms, will leap such a gudgeon as our state hath not done the like since they lost the Kingdom of France; be not gulled with the clamorous report of base people; believe Caleb and Joshua; if the glory of God have no power with them and the conversion of these poor infidels, yet let the rich mammon's desire egge them on to inhabit these countries. I protest unto you, by the faith of an honest man, the more I range the country the more I admire it. I have seen the best countries in Europe; I protest unto you, before the Living God, put them all together, this country will be equivalent unto them, if it be inhabitant with good people."

The Elizabeth left Virginia on her return voyage about July 8, 1613, taking the above letter from Dale, and in reply to the assertion that "the soil of Virginia produced no valuable commodity," she is supposed to have carried a part of Rolfe's little crop of tobacco. She also carried Argall's letter to Master Nicholas Hawes (or Hames), and letters from Molina (public and secret) to Velasco describing the condition of the colony and colonists from his point of view. To the managers of the enterprise she carried "newes of theyre well doing in Virginia, which puts some life into that action, which before was almost at the last cast." The most interesting news carried was of the capture of Pocahontas; the most important commodity was tobacco.

The use of Algernoune, as the name of the fort on Point Comfort, seems to have been discontinued after the departure of Percy.¹

The Treasurer, a ship belonging to Lord Governor West, Lord Rich (afterwards earl of Warwick), Captain Argall, and others, was at this time by them "wholly employed in trade and other services for releiving of the Colonie." When she left England her instructions were to remain in "the service of the Colony for twelve monthes," and, as we

¹ He certainly retained landed interests in Virginia; but I have seen no evidence that he ever returned there.

have seen, ever since her arrival she had been employed in discovering the country and in trading with the savage "for releiving of the Colonie." Hamor says: "Argall furnished us by two trading voyages with 2300 bushels of corn [besides supplying his own men], . . . established peace by the capture of Pocahuntas; repaired our weather-beaten boats and furnished us with new, also, both strong and usefull."

Argall, having also been commanded by the governor of the colony to remove interlopers from Virginia between 34° and 45° north latitude, soon after the departure of the Elizabeth sailed to the northward from Virginia, prepared to obey orders, his ship being armed with fourteen guns and manned with sixty musketeers, "trained to sea service; to board a ship over the side and forward and aft, in rank or file, just as well as soldiers in the Field." He soon reached Mount Desert, on the coast of Maine, where the Jesuits had established a settlement under the patronage of Madame la Marquise de Guercheville, lady of honor to the queen of France. We now have several full accounts of this incident, and it is unnecessary to repeat the particulars. Argall made an immediate attack; killed Brother Gilbert du Thet (a Jesuit) and two other Frenchmen, wounded four, and captured the settlement.

Captain La Saussaye, the commandant, and about fourteen others, being put into a French shallop, succeeded in reaching France in September, 1613.

Captain Argall and his lieutenant, William Turner, returned to Virginia in August, bringing with them Captain Flores of the French ship (the Mayflower of the Jesuits), Sieur De la Motte, the colonial lieutenant, Fathers Pierre Biard and Jacques Quentin (Jesuits), with their two attendants, and nine other Frenchmen, to be added to the list of prisoners at Jamestown; also a French ship of 100 tons, a barque of 12 tons, and sundry supplies.

The prisoners were told that they would be under the jurisdiction of the marshal of Virginia, Sir Thomas Dale,

a great friend of the French, having won his chief distinctions through the recommendation of Henry the Great, whose soldier and pensioner he had been. But the pleasant hopes were not fulfilled. As soon as Dale heard the account of them, "he spoke of nothing but of ropes and gallows and of hanging every one of us." However, Argall interceded for them, showed Dale the authority given them by the king of France; and a few days later the Frenchmen were assured that faith would be kept with them.

The colonists must have been much excited over the very interesting collection of prisoners then at Jamestown, and the responsibilities connected through them, with Spain, France, and the Indians. But if any of the English at Jamestown were "given to writing," in the workdays of Gates and Dale, they did not have the time or opportunity to print their accounts of these things. In other respects the colonists, being mostly acclimated and for the present at peace with the Indians, were pursuing the even tenor of their way; and this summer, among other things, they were making a more general effort for a crop of tobacco, learning how to cultivate and cure it and make it up.

Late in September or early in October, 1613, Lieutenant-Governor Gates, Marshal Dale, and the rest of the Council in Virginia, held a consultation about the French settlements which might still remain within the bounds claimed by England, and it was determined to send Argall again to North Virginia (or New France as the French called it) with orders to destroy all such settlements.

Leaving seven of the French prisoners in Virginia, Argall sailed in October with three ships: the Treasurer (his own ship, in which he took Captain Flores and four other Frenchmen), the French ship, under William Turner (Argall's lieutenant, who took with him the two Jesuits and their boy attendant), and the French barque with an English crew of six men.

They first went to Mount Desert, where they burnt the French works, cut down the French cross, and in its place

erected another cross with the name of the king of Great Britain carved on it, as a sign that they had taken possession of the land as rightful owners. Here they remained more than eight days; then went to St. Croix, a former settlement of the Sieur de Monts, where they secured a good supply of salt, burnt the dwellings, "and destroyed every token of French names and French claims, as he had been commanded to do." Argall reached Port Royal about the first of November, where, after loading his ships with all of value, he reduced the rest to ashes. Here as elsewhere all evidences of French claims were destroyed, "going so far as to use pick and chisel on a large, massive stone, on which were engraved the names of the Sieur de Monts with other Captains, and the Lilies of France."

Father Biard says that the master of the Treasurer was an English Puritan more malicious than the others all together against the Jesuits.

Argall's little squadron left Port Royal November 9; two days after they were dispersed by a violent storm; the French barque with six Englishmen in her was never heard of afterwards. Lieutenant Turner in the French prize ship, with the two Jesuits, finally determined to sail for England, and reached Milford Haven in January, 1614.

The Treasurer weathered the storm, but was three weeks in making the voyage to Virginia, during which time Argall is said to have "landed at Manhata's Isle in Hudson's river, where he found four houses built, and a pretended Dutch Governor, under the West-India Company of Amsterdam, who kept trading boats, and trucking with the Indians." "The Dutch Governor" was told by the English that "their commission was to expell him and all Aliens Intruders on his Majesties Dominion and Territories, this being part of Virginia, and this river an English discovery of Hudson an Englishman; the Dutchman contented them for their charge and voiage, and by his *Letter sent to Virginia and recorded*, submitted himselfe, Company and Plantation to his Majesty and to the Governour, and Gov-

ernment of Virginia." This statement cannot be verified. Nearly all of the early records of Virginia have long since been destroyed; but however doubtful the Dutch incident may be, it seems certain that New England was preserved for the English by the prompt and decisive action of Argall, under orders from "the Governor of Virginia."

Marshal Dale having driven the Indians from their settlements in the fork of James and Appomattox rivers, — from Henrico across to the Falls of the Appomattox River being only about two miles, — he considered how commodious a habitation and seat it might be for the English, and took resolution to possess and plant it; and "gave it the name of the new Bermudas, (so-called, by reason of the strength of the situation, were it indifferently fortified) whereunto he laid out and annexed to be belonging to the Freedome and corporation forever, many miles of champion and woodland in severall Hundreds, as Rochdale hundred [afterwards 'The Neck of Land in the corporation of Charles City'], the upper and Nether Hundreds [in the curls of the river], West's Sherly Hundred ['Sherley'] and Digges his hundred." He first began to plant in the Nether Hundred, where (soon after Argall's return) about Christmas, 1613, he commenced building Bermuda City "on a most hopefull site, whether we respect commodity or security (which we principally aime at) against *forraigne designes*, and *invasions*." Dale entered into a special agreement with the planters of this hundred and city (incorporation) by which they were promised an absolute freedom after three years more of service.

The Indians who had been driven from Dale's place of resistance were called by the early settlers "Apamatica," "Apamutica," "Apamatus," "Appamatucks," etc. Indian names for places are apt to be descriptive of the places. These Indians were Algonquins, in whose language "apamu-tikū" means "a sinuous tidal estuary." Their chief town in 1607 was in, or rather just below, the present "Turkey Island bend," and the name was applicable rather

to the James than to the Appomattox ; but the English had previously named that river for their king. In the course of time the “ apamu-tikū ” country of the Indian came to be called “ the curls of the river ” by the English.

It was here probably, while employed about these defenses, that Marshal Dale examined Argall’s French prisoners (of whom there were still about twelve in the colony), and they confessed to him that the French ship was taken between 43 and 44 degrees, which was within the English claim, and they gave Dale certificates to that effect.

XIII

ENGLAND, JULY 30, 1613 — APRIL 7, 1614

JAMES I. ACTING AS HIS OWN PRIME MINISTER

ABOUT July 30, the Elizabeth, Captain Adams, returned from Virginia with letters from the colonists, and sundry documents, including an account of the capture of "Poka-huntis," which news "put some life into the action which before was almost at the last cast." This ship also brought the first third of "the amber-greece" which had been found on the Bermudas, and probably a sample of John Rolfe's tobacco crop made in Virginia, in 1612. This is said to have been the first crop cultivated by an Englishman in America of the commodity that soon became the mainstay of the colony. In spite of royal opposition and notwithstanding every hindrance, it came to supply the place of the vanished hopes of mines and the South Sea, and it may be to prevent the abandonment of Virginia.

August 2, Velasco reported to Philip III., on the return of the Elizabeth, and sent to him the letters from Molina which had been brought by a "perfectly trustworthy person" on board that ship from Virginia.

Chamberlain wrote to Carleton that the ship brought no commodities from thence; but only these fair tales of the capture of the king's daughter, for whose ransom the father offers to show them gold mines, etc.

Gondomar, who had been appointed Spanish ambassador in England prior to June 14, landed at Portsmouth about August 10, and reached London a week later. August 10, Philip III. wrote to him inclosing copies of sundry letters to and from Velasco, relative to the Spanish prisoners in Virginia, and urging him to secure their freedom as soon

as possible. Ten days after his king again wrote to him on the same subject.

On the 25th Digby wrote from Madrid to James I. that "within these two days I know both the Spanish Council of War and of State, have satt about the overthrowing of our new plantation in the Bermudas." "I know they would have attempted the removing of the English from Virginia, but that they are certainly informed; the Business will fall of itself."

September 6, Gondomar wrote to his king telling of the bounty of James I. to Velasco and reporting about Virginia and the Bermudas.

September 13, Digby wrote from Madrid to James I. about the letters from Molina sent by the Spanish ambassador in England to the king of Spain, which inclined him still to believe that the business would die of itself. On the next day Philip III. wrote to Velasco thanking him for these letters, and urging him to induce James I. to have Molina brought over to England.

September 29, the Martha returned from the Bermudas, and October 5, Gondomar reported this fact to his king, telling him what he had learned of those islands from those who returned in this ship, and of Virginia from those who returned in the Elizabeth, on July 30. His accounts of both colonies are very discouraging. They contain some truth mixed with a good deal of diplomacy which was misleading or untrue. He also tells his king that "he had obtained an order, which would be sent to Virginia within 20 days, for the Governor there to send Diego de Molina to London." The possession of this prisoner was a protection to the little colony, as Philip III. was loath to risk his life by assaulting Virginia. He was not a sailor, as Philip III. tried to make the English think, but a grandee of Spain.

A part of the Jesuit colony removed from North Virginia by Argall arrived in France late in September or early in October; soon thereafter the news reached England, and this put the company "upon the question" with

France, placing thereby another difficulty in the way to be overcome.

The Elizabeth, Captain Adams, sailed for Virginia October 24, "laden with provisions only." Notwithstanding the strong protest (of June, 1613) from Dale, "owing to the abandonment of the business by many who undertook it," some of "the letters upon letters" carried by this ship were of a gloomy character.

October 21, Sir Thomas Edmonds wrote from Paris to James I. that the French were dissatisfied at being hindered by the English from the whale-fishing at Greenland¹ and also at the removal of the Jesuit colony. October 28, Montmorency, admiral of France, wrote to the king of England on the same subject, and sending like letters from the king of France. The storm clouds were gathering about the infant colony on every quarter.

"Capt. Button said from the observations, which he made, especially of the tides [Port Nelson, Hudson's Bay], he came home [fall of 1613] perfectly satisfied, that a North-West passage might be found; and he told Mr. Briggs, the famous Professor of Geometry at Gresham College, that he had convinced King James of the truth of his opinion."² But the English gave out to the public a report of no hope; and on November 9 Digby wrote to James I. that the Spaniards were very glad. A few days after this Digby had an interview with the Spanish secretary of state, the Spaniards being dissatisfied at being hindered by the English from the whale-fishing at Greenland and at their settling in Virginia and the Bermudas, and, on November 13, Digby wrote to Carleton describing this interview. About the same time Sir Noel Caron, the ambassador from the Netherlands, brought suit for the restitution of two ships taken by the ships of the Muscovy Company.

¹ The voyage set forth by the English Muscovy Company had returned in September, 1613. See *Genesis of the United States*, p. 631.

² See, also, the legend on the map, Purchas, vol. iii. p. 852.

So this whaling-voyage seems to have gotten the English into trouble on all sides.

October 23, Digby reported from Spain to James I. that Gondomar's dispatches about Virginia and the Bermudas were to be submitted to the Spanish Council of the Indies, and the next day Philip III. wrote to Gondomar, thanking him for these dispatches, and urging him to continue in well-doing along the same lines.

November 16, Gondomar reported to his king about having sent supplies and an order for Molina to Virginia by the Elizabeth.

The Michaelmas term of the Virginia quarter courts was held on November 27. The records are still wanting, but this was necessarily a very important meeting.

January 12, 1614, the complaints against Captain Argall of Virginia and against "the fleet towards Greenland" were brought before the English Privy Council, and two days thereafter the Muscovy Company reported that "they had answered the complaints against them to the good satisfaction of the State;" but it was long before the foreign nations were pacified on all points.

January 12, Edmonds reports from Paris to James I. that Villeroy was becoming much more reasonable as to the whale-fishery.

While James I. was acting as prime minister the dispatches of his foreign ambassadors to him seem to have been fairly well preserved; but his dispatches to them, most unfortunately, do not seem to have been preserved at all. And in Spain the copies of the dispatches of Philip III. to his ambassadors, still preserved, are evidently mere abstracts or outlines.

February 2, "the Greenland and Canada" matters were again before the English Privy Council. "The Treasurer and Councill of Virginia" told their lordships that they had received no news from Virginia since June, but as soon as they heard from Virginia they felt sure of being able to give the lord ambassador of France good satisfaction.

Ever since the death of Henry, Prince of Wales (November, 1612), the managers (in England and Virginia) had been contending against an increasing desire to abandon the colony.

The Hilary term of the Virginia quarter court met on Wednesday, February 12, 1614, and they then determined, among other things, to appeal to the next Parliament for "An Act for the better plantation of Virginia and supply thereof," and to publish "A declaration of the present estate of the English in Virginia, with the final resolution of the Great Lottery intended for their supply." The Privy Council recommended the calling of a Parliament on February 26, and among the bills to be propounded was the proposed Act for Virginia. March 19, the "declaration" was ready and was entered for publication.

March 8, the East India Company gave Sir Thomas Dale permission to adventure £100 in their joint stock. Others wished to adventure in this stock at this time, but Lott Peere induced them to adventure in the Somers Islands stock instead. March 13, the East India Company lent the Virginia Company two culverins. On the same day Captain John Smith and Master Thomas Hunt sailed from the Downs for North Virginia.¹ And about the same time the Somers Islands Company sent out three ships and two pinnaces for the Bermudas.

March 27, the States General grant the Dutch a charter for making discoveries, trading, etc., in America.

March 17, Gondomar wrote his king a long account of "the land of the Devils" from the wreck of 1609 to date. He also says that the members of the Virginia Company wished to abandon Virginia and carry the people to the Bermudas, but that the king and the Council would not permit this to be done, and that they had gone back and

¹ It is not necessary for me to give the details of this voyage. Smith in his account, as usual with him, takes great credit to himself and lays great

blame on Hunt; but we must read Hunt's side before we can decide the case fairly.

tried a lottery again, to succor and maintain that colony of Virginia. He says "the colony is very expensive to the company which sustains it, and the king gives nothing but patents towards the establishment of these colonies."

In justice to King James I will say that in the first place, under all the circumstances then obtaining, I doubt if it would have been good policy to have given anything else or to have taken a more public part than he did during the first ten years. And in the second place, if he had given anything else it would really have come out of the taxes from his subjects. The "patents" really conveyed a freedom from sundry taxes and about all the privileges which might be expected from a king.

April 1, 1614, W. Shipman wrote to Sir John Ferne that £200,000 or more were spent yearly in this kingdom on tobacco, and offered £5,000 a year as a present to a nobleman of the court for an exclusive patent. It has been asserted that, as merchants "ever aim at a present profit," it would have been better if the movement had been entirely under the management of noblemen; but I doubt it. The above gives an idea as to some of their present profits. Where a merchant might be satisfied with a penny profit the nobility might want a pound clear.

April 8, Sir Ralph Winwood was sworn secretary of state, and the prime ministry of James I. came to an end.

XIV

VIRGINIA, FEBRUARY, 1614 — DECEMBER, 1614

*SIR THOMAS GATES, LIEUTENANT-GOVERNOR TO MARCH.
MARSHAL SIR THOMAS DALE, DEPUTY-GOVERNOR, MARCH
TO DECEMBER, 1614*

THE Elizabeth, Captain Adams, which sailed from England October 24, 1613, via the Bermudas, arrived in Virginia in February, 1614, with silkworms, supplies for the colony and for Molina, also many letters, many of which were from friends in England begging their friends to return from Virginia. Among these was a letter to Sir Thomas Dale from "Mr. Dr. Mocket," who for the first time wrote discouragingly, "because he saw the action to be in danger by many of their non performances who undertook the business," etc.

The leave of absence of Lieutenant-Governor Gates from the Netherlands having expired, he went back to England on the Elizabeth about March 1, 1614, taking with him the Sieur de la Motte and the official accounts of Argall's northern expeditions, also Marshal Dale's reply to the Rev. Richard Mockett, and other papers which have not been found. The ship, also, probably carried some of "the letters which some wicked men sent from Virginia, and especially one C. L. much debasing Sir Thomas Dale," about which the Rev. Alexander Whitaker afterwards wrote to Master Gouge, minister of the Black Friars in London. Gates not only did not take Molina, but just as he was about to embark "told him that he had no orders to take him."

Marshal Dale again succeeded as deputy-governor under the commission from Lord Governor De la Warr.

The correct Indian name for the daughter of the chief of the Powhatans, commonly called Pocahontas, was Matoaka. Purchas says "that they [the Indians] had concealed her true name from the English in a superstitious feare of hurt by the English if her name were knowne." After she had made some good progress in Christian religion, had publicly renounced the idolatry of her country, and openly confessed the faith of Jesus Christ, she was christened "Rebecca," and baptized, as she desired, being the first fruit of the English Church among the native Virginians. And this was the crowning incident in her life and one of the important events in the early history of the colony.

Soon after Gates left Virginia, Deputy-Governor Dale took Pocahontas on board Captain Argall's ship, the Treasurer, and went up into the Pamaunkie, Powhatan's own river (now known as York River), "either to move them to fight for her, if such were their courage and boldness, or to restore the residue of our demands, which were our pieces, swords, tooles." They continued up this river fighting and "parleeing" with the Indians until "the time of the yeere being then Aprill, called us to our businesse at home to prepare ground and set corne." While they were up this river, "parleeing" with the Indians, Captain Ralph Hamor made known to Sir Thomas Dale the love which had long existed between his friend, John Rolfe, and Pocahontas, by delivering to Sir Thomas a letter from Rolfe explaining the situation. And the king's daughter herself acquainted her brethren with her intended marriage. She "went ashore, but would not talk to any of them, scarce to them of the best sort, and to them onely, she said that if her father had loved her, he would not value her less than old swords and axes, wherefore she would still dwell with the Englishmen, who loved her."

As the intended marriage received Dale's approval, the troth was plighted at once, and we can imagine the Treasurer, returning to Jamestown with Rolfe and his betrothed on board, sailing up the James with the red cross of St.

George flying from the masthead, with the fanfaron of her trumpets and the drums, and with the joyous booming of her guns.

The marriage was solemnized in the church at Jamestown, about the 15th of April, 1614, by the Rev. Richard Buck, according to the beautiful ritual of the Church of England; her father and friends gave approbation to it, her old uncle, Apachisco, as the deputy for Powhatan, gave her to him in the church, two of her brothers were present to see the ceremony performed, and a general peace ensued upon it, which lasted so long as she lived.

We can easily imagine a very interesting assemblage at the ceremony, — unfortunately for the picture, the two Jesuit fathers had left Virginia, but there were still divers peoples at Jamestown who may have been present at this, the first marriage in America of an Indian princess to an English gentleman, — namely, English and Dutch soldiers, sailors, and colonists, Polanders, etc., French and Spanish prisoners, and Indians.

Francis Lymbrye, the English pilot who had been captured while in the service of Spain, was taken on board of the Treasurer (“a man of war”) about the time of the marriage, “where they treat him liberally [says Molina], and use much persuasion to make him confess that he is an English-man.” The English spoke of carrying the Spanish prisoners to Bermuda City, and, on April 30, Molina wrote to Gondomar to tell him about it, as “I shall not be able to write after that.”

About this time Marshal Dale took Captain Argall, with fifty men in a frigate and barge, went up the “Chicohominie” River and concluded a treaty with “the people of Check-a-homanies.” In the third article they promised “at all times to be ready to furnish the English with three or four hundred bowmen to aid them against the Spaniards — whose name is odious amongst them, for Powhatan’s father was driven by them from the West-Indies into these parts — or against any other Indians which should, con-

trary to the established peace offer the English any injury." The fifth article was, "Every bowman to give the governor of Virginia as a tribute to King James two measures ($2\frac{1}{2}$ bushels) of corn every harvest."

They had now concluded a peace, not only with the resident, but also with the bordering Indians, and this peace, being tolerably well kept for nearly eight years, enabled the planters to sow and reap quietly, to hunt, fish, etc., and to let their cattle range without danger. It was, as Rolfe says, "the foundacoun and ground-worke of their thrift and happiness."

Ralph Hamor, with Thomas Savage as interpreter, and two Indian guides, left Bermuda City early in the morning of May 25, on a visit to Powhatan, and returning, arrived in the night of May 29. He afterwards published a long account of this visit in his "True Discourse of the Present Estate of Virginia" (1615). In this book he gives also a description of the country, the condition of the colony, with an account of the settlements at that time.

"Sir Thomas Dale hath taken a new course, throughout the whole Colony, by which meanes, the generall store (apparrell onely excepted) shall not be charged with any thing: and this it is, he hath allotted to every man in the colony, three English acres of cleere corne ground, which every man is to manure and tend, [they] being in the nature of [and called] Farmers, (the Bermuda undertakers [who had a special contract] onely excepted) and they are not called unto any service or labor belonging to the Colony, more than one month in the year, which shall neither be in seed time, or in harvest, for which, doing no other duty to the Colony, they are yearly to pay into the store two barrells and a half of corn."

Hamor purposed inserting the "Pattent" of the undertakers of "the Bermudas city," but for some unknown reason failed to do so.

"The bread crops were Indian corn, Indian peas, and Indian beans; English wheat, English peas, English beans, and English barley.

“Vegetables: Carrots, parsnips, turnips, radish, pumpkins (the West Indian kind), cabbage, parsley, all manner of herbs, etc.

“There were two hundred neat cattle, as many goats, infinite number of hogs, some mares, horses and colts (some of these had been brought from the north by Argall), great store of poultry, besides tame turkeys, peacocks, pigeons, etc.

“Wild game and fur animals: Bears, Deer, Beavers, Otters, Foxes, Racounes (almost as big as a Fox, as good meat as a lamb) Hares, wild cats, musk rats, Squirrels (flying and others sorts) and Apossumes [opossums] of the bignesse and likenesse of a Pigge of a month old, a beast of as strange as incredible nature, she hath commonly seven young ones, which at her pleasure till they be a month old or more she taketh up into her belly, and putteth forth again without hurt to herself or them.

“Wild fowl (both land and water): Eagles, wild Turkeys (much bigger than our English) Cranes, Herons (white and russet), Hawks, wild pigeons (in winter beyond number or imagination, myself have seen three or four hours together flocks in the air, so thick that even they have shadowed the sky from us), Turkey Buzzards, Partridges, Snipes, Owls, Swans, Geese, Brants, Ducks and Mallard, Divers, Shel Drakes, Cormorants, Teale, Widgeon, Curlews, Puits, besides other small birds, as, Black-bird, hedge sparrows, Oxeies, woodpeckers, and in winter about Christmas many flocks of Parakertoths.

“For Fish — the Rivers are plentifully stored, with Sturgeon, Porpasse, Base, Rockfish, Carpe, Shad, Herring, Ele, Catfish, Perch, Flat-fish, Trout, Sheeps-head, Drummers, Jarfish, Crevises, Crabs, Oysters and diverse other kindes. Of all which myself have seen great quantity taken, especially the last summer at Smith’s Island, at one hale, a frigots lading of Sturgeon, Base, and other great fish in Captaine Argall’s seine; and even at that very place, which is not above fifteen miles from Point Comfort, if we

had been furnished with salt, to have saved them, we might have saved as much fish as would have served us that whole year."

" Wild fruits and nuts : Grapes, Cherries, Pissmien plums (persimmons), other sorts of plums, strawberries, mulberries, maricocks, crab-apples, walnuts, chesnuts, chincomens (chinquapin), filberts, etc. There being in Sir Thomas Gates his garden at Jamestown many forward English apple and pear trees come up of the kernels set the year before ;" these " Siens " they intended to graft on the native crab-apple trees, and hoped for good results.

In brief, it was hard to amplify the plenty of bread, flesh, fish, fruit, vegetables, etc., which might be obtained with a little industry.

As for the country commodities, such as iron, alum, better mines, and such like, Hamor left them to be related by others more conversant therewith than himself ; but he did know something of " the valuable commodity of Tobacco of such esteeme in England (if there were nothing else) which every man may plant, and with the least part of his labour, tend and cure will returne him both cloathes and other necessaries. For the goodnesse whereof, answerable to West-Indie Trinidado or Cracus (admit[ted that] there hath no such [as yet] bin returned) let no man doubt. . . . I dare thus much affirme, whose goodnesse mine own experience and trial induces me to be such, that no country under the Sunne, may, or doth affoord more pleasant, sweet, and strong Tobacco, than I have tasted there, even of mine owne planting, which, howsoever being then the first year of our triall thereof, we had not the knowledge to cure, and make up, yet are there some now resident there, out of the last years well observed experience, who do know, and I doubt not, will make and return such Tobacco this year, that even England shall acknowledge the goodnesse thereof." ¹

¹ Evidently the tobacco previously imported from Virginia had not been received with favor in England.

“I may not forget the gentleman, worthie of much commendations, which first tooke the pains to make triall thereof, his name Mr. John Rolfe, Anno Domini 1612, partly for the love he hath a long time borne unto it, and partly to raise commodity to the adventurers, in whose behalfe I witnesse and vouchsafe to holde my testimony in beleefe, that during the time of his aboade there, which draweth neere upon six yeeres, no man hath laboured to his power, by good example there and worthy encouragement into England by his letters, than he hath done, witness his marriage with Powhatans daughter, one of rude education, manners barbarous and cursed generation, merely for the good and honour of the Plantation.”

Hamor also looked upon the products of silk grass and silkworms as hopeful and merchantable commodities. “The silk grass which groweth like unto our flax (I mean not of that kind formerly sent over) I have seen, even of the natural [‘Camack’s flax?’], and wild plants, which Captaine Martin, who much delighteth in those businesses, hath made, exceeding fine and exceeding strong silke, and himselfe hath replanted many of the wilde plants this year, the silke whereof he purposeth to returne for triall.

“The silke wormes sent thither from England [by the Elizabeth], in seeds the last winter, came forth many of them the beginning of March, others in April, May, and June, thousands of them grown to great bignesse, and a spinning, and the rest well thriving of their increase. Of the commodity well known to be reaped by them, we have almost assurance (since sure I am) no country affordeth more store of Mulberry trees, or a kind with whose leafe they more delight, or thrive better.”

Hamor describes Henrico as standing “upon a neck of very high land, 3 parts thereof invironed with the main River, and cut over betweene the two rivers [Dale’s ‘Dutch Gap,’ such as he had learned to make in Holland], with a strong pale, which maketh the neck of land an island [now called Farrar’s Island]. There is in this town 3

streets of well framed houses, a hansom Church, and the foundation of a more stately one laid, of Brick, in length an hundred foote, and fifty foot wide, beside store houses, watch-houses, and such like : there are also, as ornaments belonging to this Town, upon the verge of this river, five fair Block houses, wherein live the honester sort of people, as in Farmes in England, and there keep continuall centinell for the townes security. And about two miles from the towne *into the Main*, a Pale of two miles in length, cut over from [James] river to [Appomattox] river, guarded likewise with severall Block-houses, with a great quantity of corn ground impaled, sufficient if there were no more in the Colony secured, to maintain with but easy manuring and husbandry more men than I suppose will be addressed thither (the more is the pity) these 3 yeeres.”

They had also impaled (for they made no other fence) the bend west of “Henrico,” which they called “Coxen-Dale,” and secured it by five forts, called : “Hope *in* [and?] Faith, Charity [and Wisdom?] Fort, Mount Malado [Malady?] (a retreat, or guest house for sick people, a high seat, and wholsome aire), Elizabeth Fort, and Fort Patience. And here hath Mr. Whitacres chosen his Parsonage, or church land [glebe], some hundred acres impaled, and a faire framed parsonage house built thereupon, called Rock Hall. Of this Town, and all the Forts thereunto belonging, hath Captaine James Davis, the principal Commaunde, and government.”

The Bermuda city, town, or plantation, was seated, by land some five miles from Henrico, by water fourteen, and just below the present Turkey Island bend, “with a Pale cut over from River to River, about two miles long, we have secured some eight miles circuit of ground, upon which pale, and round about, upon the verge of the River in this [Nether] Hundred, half a mile distant from each other, are very faire houses, already builded, besides divers other particular mens houses, not so few as fifty, according to the conditions of the pattent graunted them.” They were “in-

joyned by a charter (being incorporated to the Bermuda towne, which is made a corporacoun,) to effect and performe such duties and services whereunto they are bound for a certain tyme [three years February 1614 to February 1617], and then to have their freedome." "In this Plantation, next to Sir Thomas Dale, is principal in the command Captaine George Yardley, (Sir Thomas Gates his lieftenaunt), whose endeavours have ever deserved worthy commendations in that employment." Rochdale Hundred was also impaled by a cross pale with bordering houses. "The undertaking of *the chief Citty* deferred till their Harvest be in, which once reaped, all hands shall be employed thereon, which Sir Thomas Dale purposeth, (and he may with some labour effect his designes) to make an impregnable retreat, against any forraign invasion how powerfull so-ever."

The only channel in the river for ships flowed so close along the southern shore of the James at the present Bermuda Hundred and the present City Point (on each side of the mouth of Appomattox River) as to be easily commanded by land batteries, and Dale now proposed fortifying both of these points very strongly against a foreign enemy, and settling the colonists beyond them in the fork of the rivers protected at proper points in flank and rear by Dutch gaps and impalings against the Indians.

The first Bermuda incorporation (town or hundred) was on or about the present site of Bermuda Hundred, and "the chief citty," afterwards called Charles City (for Prince Charles), was at City Point.

Of Jamestown, Hamor says: "The Towne itself by the care and providence of Sir Thomas Gates (who for the most part had his chiefest residence there), is reduced into a hansome forme, and hath in it two faire rowes of howses, all of framed Timber (two stories, and an upper garret, or corne loft, high), besides three large and substantiall store howses, joyned togeather in length some hundred and twenty foot, and in breadth forty. This Town hath been

lately newly and strongly impaled, and a faire platforme for Ordnance in the west Bulwarke raised: There are also without this towne in the Island some very pleasant and beautifull howses, two Blockhouses (to observe and watch least the Indians at any time should swim over the back river, and come into the Island), and certain other farme houses. The commaund and government of this town hath master John Sharpe, Liffenant to Captain Francis West, brother to the right honourable, the Lord Lawarre." West succeeded Percy as commander at Jamestown in 1612, and continued in that office for many years. He was probably in England at this time.

Captain George Webb had lately been appointed the principal commander of Forts Henry and Charles, "near Point Comfort upon Kecoughtan." And Hamor regrets that with the poor means they had, they could not secure the Point, "if a forraigne enemy, as we have just cause to expect daily, should attempt it."

Molina wrote to Gondomar that the three forts near the mouth of the river had been dismantled, and only six or seven men were stationed there to give warning; and that almost all the people had gone to the new settlements up the river above Jamestown.

Edward Coles, Kitchins, and others who had been acting as the guard of Molina (going about with him to fish, etc.), were persuaded by him to attempt to reach the Spanish settlements in Florida, and, it being now a time of peace, they had traveled "some five days journey to Ocanahoen,"¹ when they were there cut off by the Indians and brought back to Jamestown, where they were tried and six of them condemned and executed. On account of this tampering by Molina with the settlers, Marshal Dale determined to place the Spanish prisoners in close confinement in a stockade near Jamestown. On June 14, Molina wrote to Gondomar,

¹ Possibly the Occaneechi country, and Georgia Indians, where the Spanish Roman Catholic missions were. near the present Hillsboro, N. C., on the great trail between the Virginia

and on the same day Lymbrye was taken from aboard the Treasurer, and they were afterwards so closely confined as not to be able to send any more letters from the colony. But before going to prison Molina had been able to give his letters of April 30 and June 14 to two spies in the pay of Gondomar who were then in Virginia, and afterwards sailed on the Treasurer taking the information which they had obtained and these two letters (one concealed in a coil of rope, the other between the soles of his shoe) to the Spanish minister at London. Father Biard said that the surgeon of the Treasurer was a Roman Catholic; but I do not know that he was one of these spies.

Among other letters sent by the Treasurer were: one from Rev. Alexander Whitaker to his cousin, Rev. W. Gouge, telling him of the conversion and marriage of Pocahontas, the virtuous deeds of Dale, etc., and that although his term of service had expired, he had determined to remain longer. One from Marshal Dale to Mr. D. M. (Rev. Dr. Mocket), in which letter, grieving over the death of Prince Henry, the patron of Virginia, he writes: "My glorious master is gone, that would have ennamelled with his favours the labours I undertake, for Gods cause, and his immortall honour. He was the great Captaine of our Israell, the hope to have builded up this heavenly new Jerusalem. He interred (I think) the whole frame of this businesse, fell into his grave: for most mens forward (at least seeming so) desires are quenched, and Virginia stands in desperate hazard." But Dale was not dismayed; he writes on in praise of the country, telling of his acts since Gates left, of the conversion and marriage of Powhatan's daughter, of the peace with the Indians, of the real necessity there was for his remaining although his leave of absence had expired, and asks him to "remember me, and the cause I have in hand, in your daily meditations." Other letters from "Dale and others certifying The Treasurer and whole Company of Virginia, of the present estate of their Colony and that the English were now become labori-

ous and industrious and were plenteously stored with food of their own and well furnished with good houses in sundry places for their habitation, and most judiciously manifested unto the Company the just cause of good hope and great profit to ensue in short time by this plantation."

Many of the accounts of the colony given out at this time for patriotic reasons were rose-colored; the brief declaration of the old planters in 1624, for party reasons, was the other way; but a review of the whole evidence, in England, France, Spain, and Virginia, shows that the enterprise was almost depending on the cast of a die. Dale's determination to stay was of vital importance; and it was most fortunate that the colony had not been perplexed for some years with large numbers of new emigrants to be dying daily, and thus discouraging the living. Those then in Virginia, although few in numbers, had become acclimated and were enjoying good health. They were at peace with the Indians, and, "bless their souls," they were planting tobacco.¹

Soon after June 28, Captain Argall sailed from Virginia in the *Treasurer*, taking with him the letters already mentioned; Ralph Hamor, late secretary of the colony; Captain Flory and two other Frenchmen; the certificates and depositions of several Frenchmen who remained in Virginia, etc. Biard in his *Relation*, written probably in 1615, says, "out of our whole number three died in Virginia, and four are there still."

¹ Tobacco soon became, and continued, the staple crop of Virginia. One of the Rev. James Blair's arguments, before Attorney-General Seymour, in behalf of the charter for William and Mary College in 1692, was "that the people of Virginia had souls to be saved as well as the people of England." To which Seymour replied, "Souls! damn your Souls! make tobacco."

XV

ENGLAND, APRIL, 1614 — APRIL, 1615

SIR RALPH WINWOOD, PRIME MINISTER

APRIL 11, 1614, the Privy Council sent a circular letter to the city companies of London, — inclosing “A true declaration of the present estate of the English colony planted in Virginia together with a project by help of a lottery to bring at length that work to the success desired,” — commending the project and the enterprise to them, etc. April 25, this letter and “Declaration was read to The Grocers, together with a Lottery Booke with certain directions.” Whereupon Sir Thomas Middleton, “Lord Mayor of this city and many other brethren of this Company wrote in the said book how much they would therein adventure as by the said book may appear.” April 30, the lord mayor issued his precept to the city companies sending them copies of the Privy Council’s letter, and urging them to comply therewith. And the Stationers’, Merchant Tailors’, and other companies did so.

Lieutenant William Turner and the Jesuit captives reached London in April, having sailed from Port Royal, North Virginia, November 10. Sir Thomas Gates and the Sieur de la Motte, from Virginia, on the Elizabeth, reached London about May 17; and Captain La Saussaye reached there from France about the same time. Gates brought to England the official accounts of “Argall’s Voyages to the Northward.” He at once began “using his best meanes for more supplies to continue their plantation.” May 22, Chamberlain wrote to Carleton: “Sir Thomas Gates is come from Virginia and brings word that that plantation will fall

to the ground if it be not presently supplied. He speaks of wonderfull commodities that are to be had there, if we could have the patience and would be at the cost to bring them to perfection."

Parliament met April 15, 1614. "The House consisted of about 472, of whom 300 were not in the last Parliament, whereof many are young." Many of the House of Lords, and about one hundred and forty members of this House of Commons were also members of the Virginia Company. In opening Parliament, the king made a long speech "consisting of three principal parts wherein all his care lay, — to continue to his subjects, *bona animi*, *bona corporis*, *et bona fortunæ*, by maintaining religion, preserving of peace, and seeking their prosperity, by increasing of trades and traffics."

As Bacon outlines the times, "the state was then environed with envious foreigners; there were encroachments on matters of trade; religion was a matter of controversy, and to look a year before him would trouble the best watchman in Europe."

The proceedings in the House on April 30 were with reference to "the French Company," of which Sir Thomas Smith was also governor. The colony was in jeopardy, but there was no desire to annul the Virginia charter at this time, and there was then no trade of consequence in Virginia tobacco.¹ "The French Company" was regarded as a monopoly, and, in speaking against its patent, Mr. Duncombe made the assertion that "Free Trade is every Man's Inheritance and Birth right."

"On May 22, The Company for Virginia prefer a petition [for 'An Act for the better plantation of Virginia and supply thereof'], which was read; and Monday at nine of the clock appointed for the Counsel for the Company of Virginia [to be heard] in this House."

¹ Neill's *Virginia Company of London*, pp. 67, 68, is in error. I was misled thereby, and no. ccxiv. pp. 689, 690, in *The Genesis of the United States*, should be canceled.

"May 26, Monday — Mr. Brooke moveth the Virginia Business may be tomorrow at seven of the clock."

"May 27. Ordered, My Lord of Southampton, my Lord Sheffield, etc., shall come in to hear the treaty of the Virginia Business, and that the Lords shall for a time sit bare — and shall shortly after, at Mr. Speaker's Discretion, be spoken to.

"Ordered, That no Member of the House shall stand in the entry, upon Penalty of 12^d to the Serjeant.

"Ordered, There shall be great silence, at the Lords being here.

"Mr. Martyn of Counsel with the Company, cometh in before the Lords," etc.¹

A portion of Martyn's speech was in reply to the main objection that, "if the Virginia business was openly undertaken by the crown and Parliament, it might result in a war with Spain." It was an able and eloquent speech, but, unfortunately, Martyn, who was not then a member of Parliament, got himself into hot water by giving the numerous young members a little fatherly advice. This caused a wrangle; but the speaker, Sir Randolph Crewe, assured the friends of the Virginia business that "the remembrances of the Plantation were well accepted and looked upon with eyes of our love."

"This young House of Commons," regardless of Martyn's advice, got themselves into trouble by quarreling with "the old House of Lords," and the king dissolved the Parliament (June 17) before it had passed a single measure — the Virginia business, or any other. It was nearly seven years before the king called another Parliament.

On May 29, Chamberlain wrote to Carleton describing the Martyn incident in the House, and, on June 7, Rev. Thomas Lorkin wrote to Sir Thomas Puckering, at Madrid, on the same subject.

The Easter term of the Virginia quarter court met on June 4, but the records are still missing.

¹ *Genesis of the United States*, pp. 692-694.

In July the Treasurer, Captain Argall, returned from Virginia with Captain Flory and two other Frenchmen; with the depositions of the French who remained in Virginia relative to his northern voyages, and numerous other documents of great importance. Captain La Saussaye had already reached London from France. The Trinity term of the Virginia quarter courts was held on July 16. We have constantly to deplore the loss of the company records, but it is quite certain that the reply of the Virginia Council to the order of the Privy Council (February 2) was sanctioned by this court. It is a vindication of Argall's act, a defense of its legality.

On July 31, Lorkin wrote from London to Puckering, at Madrid, telling of the news, freshly arrived from the Bermudas, of two Spanish ships, with a little frigate, taking soundings about the island.

About the same time, probably on the same day, the Privy Council of England sent in their "Answer to the complaints presented to King James by the Sieur de Buisseaux — French Ambassador at the Court of his Majesty."

In this reply the Privy Council make use of the information which had been furnished to them by the Council for Virginia. The fourth complaint in the original official English document before being translated into French is as follows: ¹ "Captain Argall acknowledges that he took the French ship in question within the limits of our colony, (she tried by force to intrude there against the privileges granted to the said [Virginia] Company), by virtue of his commission under the Seal of the said Company, derived from the special power granted by his Majesty to said Colony under the Great Seal, but that nevertheless, the said ship had been restored at the request of the French Ambassador. Nevertheless his Majesty wishing the Ambassador to understand his desire to give every possible satisfaction has ordered Captain Argall to give an account of his reasons for this arrest whenever the Ambassador shall desire, and

¹ See *The Genesis of the United States*, vol. ii., pp. 733, 734.

that Turner, his Lieutenant, shall do likewise as soon as he is able to return."

The Privy Council had been asked to send a circular letter in behalf of the Virginia lottery to several cities and towns; but the Council Board decided to make a stay of those letters until the various foreign controversies in which the company was now involved had been gotten into a more satisfactory shape.

August 29, James I. wrote to the States General asking them to extend their leave of absence to Sir Thomas Dale, as his continued presence in Virginia was essential during this crisis. This request was granted on September 30.

On October 17, Gondomar wrote from London to his king: "The ship in which they offered me that Don Diego de Molino should be brought in has returned without him. Two Englishmen, who were in the same vessel and whom I had charged, without the one knowing of the other, to bring me a very detailed account of the state in which matters were over there, to see if it agreed with what I have been told by others, . . . have returned and brought me letters from Don Diego, which one had sewed between the soles of his shoe, while the other had them in a coil of rope, as I herewith send it to Your Majesty; because they knew if it was found that they carried these letters, they would be hanged, without being allowed to say a word." According to Gondomar's previous letters the English had promised to return Molina, and he had sent out spies, on board the *Elizabeth*, which ship had returned to England in May. These letters, etc., had evidently been brought by the Treasurer in July; which ship left England in 1612, before Gondomar's arrival there. The spies may have been sent on that ship by Velasco. However, Gondomar wrote Philip a long account of Virginia affairs. He tells the king that the English in Virginia would be only too glad if he would remove the colony by force, as the most of them were kept there against their will. "And here [in England] this Colony is in such

bad repute that not a human being can be found to go there in any way whatever. So much so that a person who was present, has told me how in a Court of the Mayor of London, when the case of two Moorish [negro?] thieves came up, the Mayor told them, impressing upon them their offences, that they ought to be hanged; but that, taking pity upon them, he wished to pardon them, with this condition, that they should go and serve the King and the Queen in Virginia—and that they replied at once, decidedly and with one accord, that they would much rather die on the gallows here, and quickly, than to die slowly so many deaths as would be the case in Virginia.” I do not know whether they were sent to Virginia, or not.

I have not the details, but I infer that the negotiations over the expulsion of the Jesuit colony from New England were progressing to the satisfaction of la Marquise de Guercheville, as she wrote to Secretary Winwood on October 21, as follows: “I have learnt the obligation I am under to you, before having the happiness of knowing you, which makes me doubly thank you, and entreat a continuation of your courtesy for the reparation of the great wrong which has been done me, and for the recovery of the Frenchmen who remain in Virginia. I promise that I shall be infinitely obliged for what shall be returned in so just a restitution and even more will ever be your most obliged and affectionate to serve you.”

October 30, 1614, Captain Ralph Hamor, who had returned in the Treasurer from Virginia, entered at Stationers’ Hall for publication his “True Discourse of the present estate of Virginia, and the successe of the affaires there till the 18. of June 1614,” etc. It is dedicated to Sir Thomas Smith, whom he praises greatly for “upholding of this imployment, though it appeared, in the beginning, as full of discouragement.”

The celebrated Dr. John Woodall was one of the chief medical advisers of the managers during the administration of Sir Thomas Smith.

Early in November, the John and Francis was sent to Virginia "with 34 men and 11 women, with apparell and other necessities for the rest of the Colony there resident."

The Michaelmas term of the Virginia quarter courts was held on November 26. The records are missing; but it was probably this court which decided it to be best for the individual owners of the Bermudas, as matters then stood, to resign them to the crown, which was done on December 3.

December 22, Edmonds sent from Paris to Secretary Winwood an account of his conference with Villeroy and his audience with the king and queen of France, in reference to sundry complaints of the French against the English. And on January 9, 1615, he again wrote to Winwood, inclosing a copy of the English complaints, which he had presented to Villeroy against the French.

February 10, Gondomar again wrote to Philip III., for some reason still encouraging the hope that the colonies would come to nothing.

On the next day the Hilary term of the Virginia quarter courts was held. The records are wanting. It seems probable that "The Defense of Trade," by Sir Dudley Digges, was considered at this meeting. This tract was in reply to "The Trade's Increase," which had been written against the East India Company, and which is not so unjust to the Virginia Company as I thought when I wrote "The Genesis." I have since seen this tract, and it seems necessary for me to quote in full here the extract given in that work.

"I cannot find any other worthy place of forraine anchorage: for the Bermudas we know not yet what they will doe: and for Virginia wee know not well what to do with it, the present profit of those [colonies] not employing any store of shipping, . . . it is yet but Embrion, no question a worthy enterprise and of great consequence, much above the Marchants levell and reach, and [yet?]

sure in regard of the great expences they have bene at, and the poore returne that is made, they are much to be re-garded and commended for holding out so long, I could wish that as many of the Nobility and gentry of the Land had willingly Imbarqued themselves in the labour, so the rest of the subjects, might be urged to help to forme and bring forth this birth not of an Infant, but of a man ; nay of a people, of a Kingdome, wherein are many Kingdomes. When Alcmena was in travel with Hercules, the Poets say Jupiter was faine to be Midwife ; and sure as we have the countenance of our earthly Jupiter,¹ so we are humbly to emplore the propitious presence of our heavenly God, towards the perfection of this so great a worke. And so leaving to meddle further with what we have nothing to do, let us return to our ships,” etc.

As a further evidence from the contemporaries who appreciated the efforts of those who were managing the various enterprises for commerce, colonization, and discovery, I will quote the following from William Baffin to Sir Thomas Smith, Sir Dudley Digges, Mr. John Wolstenholme and others.

“The Auntients had so much regard to the worthies of those tymes, that any way sought the good and preferment of their country and commonwealth, that ingratitude was so far from them as they honoured yea with divine honour those to whom their country was in any way obleeged. But we which live in an age, termed by the poets, an iron age, are so far from honouring our worthies with due praise, that many had rather seek occasion of slander than otherwise, although not against their persons, yet against their actions. You are the worthies of our time, whose many-fould adventures are such, which are not discouraged with spending and loss of many hundred nay rather many thousand, pounds ; reaping no other profit but only bare reports. But I fear if I should take on me to set forth

¹ Thus was fed the desire of James I. to be considered the father, and to be midwife at the birth of this nation.

your due praise I should come so far short of the mark I aimed at, that it were better for me to leave it undone than badly done ; knowing that who so seeketh to amend Apelles picture had need be some good artist, and who so seeketh to set forth the worthie praise of our London Marchants, had need be more than a good rethoritian. But what need I spend time herein, when never dying fame hath, and will enroule your names in Tymes cheefest chronicle of Eternytie ; where no envious Momus shall have power to rase out the smallest tythe thereof." Why has history been so unjust to these men ?¹

Captain Argall, in the Treasurer, again sailed for Virginia about February, 1615.

On March 1, upon the humble suit of Sir Thomas Smith, with the rest of the company of Virginia, the Privy Council determined now to issue the letters (which had formerly been stayed), unto several cities and towns, in behalf of the Virginia lottery and enterprise. These circular letters from the Privy Council were handed to Sir Thomas Smith for distribution on March 4, and were at once sent forth, inclosing "A True declaration of the state of the English Colony in Virginia, together with a project by help of a lottery, to bring that work to the success desired."

The letters which were sent to "the Mayor and Aldermen of Canterbury," to "the Deputy Lieutenants of Suffolk," "the Corporation of Reading," "the Town of Dover," "the Borough of High Wycombe," and "the Corporation of Great Yarmouth," have been preserved. On April 23, the corporation of Great Yarmouth, "Ordered (after the reading of a letter from the Lords of the Council for the encouragement and promotion of the State Lottery to uphold the plantation of Virginia) that the towne to the use of ye haven shall adventure in the same Lottery £25. and that every alderman and constable of every ward on Monday next in their severall wards shall use their best endeavours to incyte their able inhabitants to adventure

¹ See *The Genesis of the United States*, p. 1010.

and put in such sommes of money into the said lottery as willingly they will adventure therein, and to take a note of their names and sums of money adventuring to be sett downe and recorded in the said Booke for Virginia."

So many of the records are still missing that in order to understand this movement we must constantly keep in view the fact that "past politics" was the main factor in the actual origin of this nation, and also in suppressing the real history thereof. The chief agents were the patriot and court parties. The patriots, "the advocates of the freeborn rights of Englishmen," "considering that in the proceedings of King and court, the ordinary transactions by men of all conditions were mostly directed towards the advancement of absolute power and tyranny in England," had determined to afford "those best affected to Religion and Liberty" an opportunity to "with-draw themselves from an oppressing unto a more free government which they designed establishing in Virginia."

The members of the court party, while James I. was acting as prime minister, began "to give encouragements on all hands to disturb and interrupt these forward proceedings;" they finally succeeded in putting a temporary stop to them, and in obliterating the honorable designs of the patriots from the page of contemporary history.

The Virginia court and the royal court were now becoming headquarters of the rival political parties.

XVI

VIRGINIA, JANUARY, 1615 — APRIL, 1616

SIR THOMAS DALE, MARSHAL AND DEPUTY-GOVERNOR

THE John and Francis, which sailed from England “ the first week in November 1614, with 34 men & 11 women, with apparell & other necessities for the rest of the Collony there resident ; ” with an order to Marshal Dale “ to send home by the next ship Eliezer Hopkins ; ” with a special order obtained by Gondomar from James I., for Molina, etc., probably arrived at Jamestown in January or February, 1615. “ The Brief Relation ” says that she only brought “ about twenty persons and little or noe provisions for them. ” Unfortunately there are periods during which we have no complete and impartial account of events in the colony, and this is one of them. I do not know exactly when the John and Francis arrived or when it left. It may have taken a part, at least, of the tobacco crop of 1614 ; but I do not know. We know that the Flying Horse (or Hart) of Flushing was here in the summer of 1615, and that she carried some tobacco from the colony to Portsmouth, England ; but we have none of the particulars. We know that Thomas Rolfe, the son of John and Rebecca Rolfe, was born in Virginia, and named for Sir Thomas Dale, who was probably his godfather ; but we have no particular account of his christening. Captain Argall, in the Treasurer, sailed from England, in January or February, 1615, probably via his “ fishing ” grounds along the New England coast, and arrived in Virginia in the summer of 1615 ; but we have none of the particulars, and no impartial account of his acts in Virginia. “ The Brief Relation ” says : “ The Tresorer, arived here with the number of twenty persons and little provisions, in which

ship after many other designs were effected by Sir Thomas Dale, as makinge spoile of the Keschiacks and Wariscoyacks; impaling some necks of lande, for defence against the Salvadges; and in fishinge for our reliefe, &c., he departed from Virginia."

At the Michaelmas quarter court, 1619, Sir Edwin Sandys reminded the Virginia Company "that the maintenance of the public, in all States, was of no less importance, even for the benefit of private men, than the root and body of a tree are to the particular branches. And touching the public he was first to present to their remembrance, how by the admirable care and diligence of two worthy Knights, Sir Thomas Gates and Sir Thomas Dale, the colony was set forward in a way to great perfection; whereof the former, Sir Thomas Gates, had the honour to all posterity to be the first named in his Majesty's patent of grant of Virginia, and was *the first* who, by his wisdom, valour and industry, accompanied with exceeding pains and patience in the midst of so many difficulties, laid a foundation of that prosperous estate of the Colony, which afterward in the virtue of those beginnings did proceed.

"The latter Sir Thomas Dale, building upon those foundations with great and constant severity, had reclaimed almost miraculously those idle and disordered people, and reduced them to labour and an honest fashion of life; and proceeding with great zeal to the good of this Company, *set up the common garden*¹ to yield them a standing revenue, placed servants upon it, as also upon other publick works for the Company's use; established an annual rent of corn from the farmers, and of tribute corn from the barbarians; together with a great flock of Kine, goats, and other cattle, being the goods of the Company for the service of the public."

Since the departure of Ralph Hamor from the colony John Rolfe had been the secretary and recorder, and although we have not his letters and records of particular

¹ "Laid off public lands." — Stith.

events, his "Relation of Virginia" (written) in 1616 gives a fair idea of the condition of the colony from July, 1614, to March, 1616. The greater portion of the colonists were seated or occupied in or about the fork of the James and Appomattox rivers, planting corn and tobacco, building, impaling, fortifying, etc. Their stockades, impalings, block-houses, etc., were much like those afterwards used against the Indians by "those who came after them" in winning our West; and they had already begun to clothe themselves (in part at least) "as the naturals do, with skins and furs," and as some of our pioneers of the West afterwards did.

Rolfe, after mentioning the peace with the Indians, writes: "The great blessings of God have followed this peace, and it, next under him, hath bredd our plentie — everie man sitting under his fig tree in safety, gathering and reaping the fruits of their labors with much joy and comfort." He mentions some of the same products as Hamor. He says, "For hemp and flax none better in England or Holland. . . . Likewise tobacco (though an esteemed weed), very commodious, which there thriveth so well, that no doubt but after a little more trial and expense [experience?] in the curing thereof, it will compare with the best in the West Indies.

"For fish and fowl, deer and other beasts, reports and writings have rather been too sparing than prodigal. About two years since, Sir Thomas Dale, (whose worth and name, in concluding this peace, and managing the affairs of this Colony, will out last the standing of this plantation,) found out two seasons in the year to catch fish, namely, the Spring and the Fall. He himself tooke no small paines in the tryall, and at one hall with a seine caught five thousand three hundred of them as big as cod. The least of the residue, a kind of salmon trout, two foot long; yet durst he not adventure on the mayne skule for fear of breaking his nett. . . . And whereas, heretofore we were contrained yearly to go to the Indians and intreat them to sell us corn, which made them esteeme verie basely

of us — now the case is altered ; they seeke to us — come to our towns, sell their skins from their shoulders, which is their best garments, to buy corn — yea, some of their pettie Kings have this last year borrowed four or five hundred bushels of wheat, for payment whereof, this harvest they have mortgaged their whole countries, some of them not much less in quantitie than a shire in England. By this means plentie and prosperitie dwelleth amongst them, and the fear and danger of famine is clean taken away, wherewith the action hath a long time suffered injurious defamations.

“The general mayne body of the planters are divided into — 1. Officers ; 2. Laborers, and 3. Farmors — (1.) The officers [soldiers, guards, etc.] have the charge and care as well over the farmors as laborers generallie — that they watch and ward for their preservation, etc.

“(2.) The Laborers are of two sorts — 1st those employed only in the generall works, who are fed and clothed out of the store. 2nd others, specially artificers, as smiths, carpenters, shoemakers, taylor, tanners, etc. do work in their professions for the colony, and maintayne themselves with food and apparrell, having time lymitted them to till and manure their ground.

“3. The Farmors live at most ease — yet by their good endeavours bring yearlie much plentie to the plantation. They are bound by covenant, both for themselves and servants, to maintaine your Majestie’s right and title in that Kingdom, against all foreign and domestic enemies. To watch and ward in the townes where they are resident. To do thirty one days service for the colony, when they shalbe called thereunto — yet not at all times, but when their own busines can best spare them. To maintayne themselves and families with food and rayment — and every farmor to pay yearlie into the magazine, for himself and every man servant, two barrell and a half a piece [tithe?] of their best Indian wheat [corn], which amounteth to twelve bushells and a halfe of English measure.”

The profit on tobacco tempting the men to neglect their corn, Sir Thomas Dale required each man to "set two acres of ground with corn, which doing they may plant as much tobacco as they will, else all their tobacco shalbe forfeite to the Colony — by which means the magazine shall yearly be sure to receive their rent of corne."

"The places which are now possessed and inhabited are six — 1. Henrico and the lymitts; 2. Bermuda Nether Hundred; 3. West and Sherley Hundred; 4. James Towne; 5. Kequoughton; 6. Dale's-Gift.

"At Henrico, and in the precincte (on the north side) are thirty eight men and boys, whereof twenty two are farmors, the rest officers and others, all whom maintayne themselves with food and apparrell. Of this town one Capt. Smaley hath the command in the absence of Capt. James Davis. Mr. Wm. Wickham minister there, who, in his life and doctrine give good examples and godly instructions to the people.

"At Bermuda Nether Hundred (on the south side of the river) are one hundred and nineteen — (The houses and dwellings of the people are set round about by the river, and all along the pale, so far distant one from the other, that upon anie alarme they can succor and second one the other), about seventeen of these were members of the corporation of the Bermuda towne (so called by reason of the strength of the situation, were it indifferently fortified); the other residents there, labor generallie for the colonie, making pitch, tar, potashes, charcole and other works, and are maintayned by the magazine — but are not of the corporacoun. At this place (for the most part) liveth Capt. Yeardley deputy marshall and deputy governor [in 1616]. Mr. Alexander Whitaker (son of the reverend and famous divine Dr. Whitaker), a good divine hath the ministerial charge here.

"At West and Sherley Hundred [settled since June, 1614, when Hamor left], on the north side of the river lower than the Bermudas three or four myles, are twenty

five, commanded by Capt. Maddison — who are imployed onely in planting and curing tobacco — with the profit thereof to clothe themselves and all those who labor about the generall business.

“At Jamestown are fifty, under the command of Lieut. Sharpe, in the absence of Capt. Francis West — whereof thirty-one are farmors; all these maintayne themselves with food and raiment. Mr. Richard Buck minister there — a verie good preacher.

“At Kekuoughtan, are twenty, whereof eleven are farmors; all these also maintayne themselves as the former. — Capt. George Webb, commander. Mr. Wm. Mays, minister.

“At Dales-Gift (being upon the sea, neere unto Cape Charles, about thirty myles from Kekuoughtan,) are seventeen, under the command of one Lieutenant Cradock; all these are fedd and maintayned by the colony. Their labor is to make salt and catch fish at the two seasons aforementioned. [This settlement had been made since June, 1614.]

“So the number of officers and laborers are two hundred and five; the farmors 81; besides women and children, in everie place some, — which in all amounteth to three hundred and fifty one persons — a small number to advance so great a worke.”

Probably less than fifty of these had arrived since the last coming in of Sir Thomas Gates (August, 1611); the rest belonged to that historic band long known as “the old planters of Virginia.”

Rolfe gives “the number of neate cattle, horses and goats, which were alive in Virginia at Sir Thomas Dale’s departure thence: 83 cows, heifers and cow calves, 41 Steers and 20 Bulls — in all 144. — Mem^a: 20 of the cows were great with calfe. — 3 Horses and 3 Mares; 216 Goats and Kidds male and female; Hoggs, wild and tame, not to be numbered; Poultry, great plenty.”

The Treasurer, Captain Argall, probably left Virginia

about the 1st of May, 1616, taking Sir Thomas Dale, Captain John Martin, John Rolfe, his wife Rebecca, and her infant son, Thomas Rolfe; "ten or 12 old and young, men and women of the country [Indians] to be educated in England;" the alcaide Molina (Dale started with Lymbrye also, but had him executed at sea), and, it may be, Captains Francis West and James Davis, as they were absent from the colony when Rolfe wrote his Relation. The ship also carried some "exceeding good tobacco, Sasafras, pitch, potashes, sturgeon, cavear, clapboard and other such like commodities as yet the country yielded." They "left the Colony in great prosperity and peace," with Captain George Yeardley as deputy-governor and deputy-marshal.

XVII

ENGLAND, MAY, 1615 — NOVEMBER, 1616

END OF THE JOINT STOCK PERIOD

THE John and Francis probably returned from Virginia in May, and the Edwin from the Somers Islands about the same time.

May 27, the Easter term of the Virginia quarter court; we have no record.

July 8, the Trinity term of the Virginia quarter court; no record. On the following day the special charter of the Somers Islands Company was signed and sealed. Sir Thomas Smythe was also governor of this company, the quarter courts of which were to be held (as their sub-courts had previously been) exactly one week later than those of the Virginia Company, July 15 being the day of their first court.

The Flying Horse (Hart?) of Flushing reached Portsmouth, England, from Virginia, with at least 105 pounds of tobacco on board. This is the first definite account that I have of tobacco from Virginia reaching England; but it is certain that it had been sent before this both from the Bermudas and from Virginia. "An advice how to plant tobacco in England," which was published this year, says: "The Tobacco which comes from the Barmuda is cast away either by neglecting to prune it, or else because they nourish over-many leaves on one stalke, which they do either out of Ignorance, or for that they coul't to have the greater quantity, or otherwise; because, as I heare, they imitate the Spaniards in juicing it: that place would otherwise give us that which is excellent and so would Virginia. . . .

“The people of the South-parts of Virginia esteeme it exceedingly, and so doe the rest: they say that God in the creation did first make a woman, then a man, thirdly great maize or Indian wheat, and fourthly, Tobacco: They use it for the curing of wounds,¹ and in smoke as we doe: and there are superstitious led to beleeeve that when they are in danger of drowning in foule wether, that if they cast Tobacco into the water, that the billow will fall, and grow lesse. . . .

“The Virginians [Indians] call Tobacco, *Opoak* [Strachey says ‘Uhpooe’], and it is everywhere, and in England itselfe, greater, according to the soyle: yea it differs in taste, thicknesse, largenesse, and goodnesse almost in every Garden wherein it is planted.”

At a court, on November 13, the East India Company assert their continued desire “to discover things yet unknown or uncertain, for the future good of posterity.”

The Michaelmas term of the Virginia quarter court was held November 25; the Somers Islands quarter court December 2. No records.

November 27, the drawing of the second great lottery for Virginia began, at the west end of St. Paul’s Church.

During the fall and winter Sir Robert Cotton, Sir Thomas Monson, Sir William Monson, and Robert Carr, Earl of Somerset, were arrested on suspicion of having revealed divers secrets of state to the Spanish ambassador to the great danger of the king and kingdom, and of receiving pensions from the king of Spain. They were finally released.

The Hilary term of the Virginia quarter courts was held on February 10, 1616. It was a most important court, and it is especially unfortunate that the records are missing. The period of the joint stock was now coming to an end. It was to continue for seven years after the date of the new enlargement of the company, and the new charter was not signed until June 2, 1609; but the charter had been

¹ It is still so used.

granted, the company organized, and the promise made to divide the lands acquired under the joint stock in Virginia at the end of seven years, in February, 1609; and subscriptions at once began to be handed in. The company had now to prepare to carry out that promise, and at this court it was resolved to issue "A Brief Declaration of the present state of things in Virginia, and of a Division to be now made, of some part of those Lands in our actuall possession, as well to all such as have adventured their moneyes, as also to those that are Planters there." This tract or circular was soon published by "His Majesties Counseil for Virginia." The first share of land in Virginia which I have found any record of "granted from the companie accordinge to the Kinges letters Pattents" under the act of this court was issued to Mr. Simon Codrington on March $\frac{6}{16}$, 16 $\frac{15}{16}$, and this was about as soon as any shares could have been issued by the company.

The Easter quarter court was held on May 25, but we have no records.

On June 13, 1616, Sir Thomas Dale returned from Virginia on board the Treasurer, Captain Samuel Argall, with the celebrated Spaniard Molina, John Rolfe, and his wife Matoaka, and about ten Indians old and young. The ship was loaded with "exceeding *good tobacco*, Sasafriz, pych, potashes, Sturgyon & cavyare & other such like commodities as yet that country yields." Dale at once wrote to Secretary Winwood, "May it please your honor to understand that I am by the myghtye power of the Allmyghty God, saufly retourned from the hardest taske that ever I undertooke & by the blessinge of God have with pour means left the Collonye in great prosperytye & peace contrary to manye mens Exspectatyon . . . I shall with the greatest speed the Wynd wyll suffer me present myself unto you and gyve you full satisfaction of those parts. How beneficial this admirable country will be to our state . . . being inhabited by his Majesties subjects — will put such a bit into our ainchent enimies [Spain's] mouth as will curb his hautyness of monarchie."

He reached London about June 20, when Lord Carew wrote to Sir Thomas Roe: "Sir Thomas Dale has returned from Virginia: he hathe brought divers men and women of that countrey *to be educated here*, and one Rolfe, who married a daughter of Pohetan (the barbarous prince) called Pocahuntus, hathe brought his wife with him into England. The worst of that plantation is past, for our men are well victualled by their owne industrie, but yet no profit is returned."

Molina was now in London, and on June $\frac{1}{2}$ ⁶, the Privy Council had the following entry made in their register: —

"This day Antonio da Costa *delinciro* presented a certificate under the hand of Sir John Digby, Knight, Vice-Chamberlen to his Ma^{tie} and late Ambassador with the Kinge of Spayne bearing date the 26, of January 1616 (*stilo novo*), Importinge in effect — That John Clarke an English Pylott taken formerly by the Spaniards in Virginia, then brought into Spayne and imprisoned, was safely delivered into his hands, & that the said John Clarke was then freely in his house, And might goe at liberty whether it pleased him. Forasmuch as Antonio da Costa¹ was formerly bound in an obligation of £1.000. penalty that if [*sic*] the said Clarke should be delivered as aforesaid. And that the said obligation is in the hands and custody of Mr. Cottington now in Spayne. He hath therefore prayed that notice may be taken of the said certificate and for his idempnity entry may be made thereof in the Register of Councell Causes." So this Virginia matter was a Council case; but the records of the Council from January, 1602, to May, 1613, inclusive, which might have shed more light on the case, are now missing.

On July 2, Chamberlain wrote from London to Carleton, at the Hague, about Dale's return, telling him that Virginia was a good country to live in, etc., "but there is no

¹ See Gondomar's letter of October 5, 1613, in *The Genesis of the United States*, p. 659.

present profit to be expected," and that Dale would return to Holland "within a month or little more," etc.

The Hilary quarter court (February 10) had determined, in order to procure the means for sending a new governor with commissioners and a surveyor for dividing the land among the planters and adventurers, etc., to require "so many adventurers as will partake of this first dividend to contribute £12 10s, payable within one month after subscription, and to enter their names and the number of their shares in a book at Sir Thomas Smith's for that purpose, before July 5." This was the day before their Trinity quarter court, which met on July 6. I do not suppose that Codrington was the *only* one of the old adventurers who secured a share in this first "divident" of land by paying £12 10s; but it appears that he was *the first* to do so, and I have no record of the rest. The subscriptions received (before July 5) were not sufficient to enable the court (of July 6) to send the new governor at once; but, after consulting with Sir Thomas Dale, Captain John Martin, and Mr. John Rolfe, the court determined to send out "a magazin." The colonists were already devoting themselves to planting tobacco, known to be very vendible in England. "For which, as for other commodities, the Councell and Company for Virginia determined to send a ship thither, furnished with all manner of clothing, household stuff and such necessities to establish a magazin there, which the people shall buy at easie rates for their commodities — they selling them at such prices that the adventurers may be no losers. This magazin shalbe yearlie supplied to furnish them, if they will endeavor, by their labor, to maintayne it — which wilbe much beneficiall to the planters and adventurers, by interchanging their commodities, and will add much encouragement to them and others to persevere and follow the action with a constant resolution to uphold the same."

The Susan, the first magazine ship, sailed from England late in July or early in August. Soon after the sailing of

this ship John Rolfe wrote "A true relation of the State of Virginia," at the time when Sir Thomas Dale left it in May, 1616. It was not printed. Of the two copies remaining one was sent "To the King's most sacred Majesty," the other to "Sir Robert Rich." He says of the climate that "it is so agreeable to our constitutions, that *now* 't is more rare to hear of a man's death there than in England among the same number of people." But it must be remembered that in the four years prior to Rolfe's return the company had sent less than one hundred emigrants, and those *now* remaining in Virginia had become acclimated. Although it was advisable to explain away some, and to omit other things, the relation seems fairly accurate, and one of the best of the time. He says that "the greatest miseries happened under the first form of government [the king's]; that after the change in the government, the colony stood at a stay for a time, but soon began an improvement which had continued. The Colony gradually, but constantly becoming more and more self-sustaining."

Under these favorable reports, it is certain that the preparations for sending a new governor, with commissioners, etc., continued; but we have few of the particulars.

"About midsomer 1616, five persons departed from these Islands [the Bermudas] in a smal open boat of some 3 tunn and after 7 weeks arived al safe in Ireland — ye like hath scarce bene heard of in any age."

The men arrived in England in October, and it was "thought half a miracle how so small a vessel should brook those seas seven whole weeks, and not be swallowed up in the vast ocean." Gondomar wrote to Philip III. that they made the voyage in less than twenty days.

At a meeting of the company, or Council, on November 18, 1616, "Capt. John Martin was allowed in reward ten shares in Virginia." He afterwards located these shares at Martin's Brandon on James River, and several clauses (granting special favors) in his patent, or charter, gave rise to a long-continued controversy, mingled with much bitterness.

The joint stock period was now ending, and other arrangements had to be made for carrying on the enterprise in the future.

Many of the patriotic members of the Virginia company had placed their trust in Henry, Prince of Wales. "The light of the Court seemed to them much obscured after the setting of that bright Star," causing them to renew their care in advancing their colonization plans. Spain was the old adversary of England, and they had determined to secure a portion of America for England because the land was claimed by Spain. They were opposed to dallying with Spaniards, and soon after Gondomar arrived they asserted that the court party was under his influence, and this caused them to be less frequent at court, and to spend more time in forwarding their Virginia designs.

The reports from Virginia at the return of Dale gave them "additional encouragement," and "frequent consultations were now had of their designs in the Assemblies of the Virginia Councell and Company, and otherwise amongst those who were most distasted with the proceedings of the [Royal] Court, and stood best affected to Religion and Liberty!" These meetings caused James I. to regard "the Virginia court as a Seminary for a seditious Parliament, which forced them to a more close and considerate proceeding in those affairs. But the meetings being authorized by severall Patents granted under the Great Seal did exclude or divert the Prerogative-destructive intrusion; whilst a number of great Lords and some others remained sedulous and united towards the right ends declared."

XVIII

VIRGINIA, APRIL, 1616 — MAY, 1617

CAPTAIN GEORGE YEARDLEY, DEPUTY-MARSHAL AND DEPUTY-GOVERNOR. THE ENDING OF THE JOINT STOCK AND STRONG GOVERNMENT PERIOD

THE “Brief Declaration” (of 1624) states that “Sir Thomas Dale left the government to Captain George Yardley, under whom the Colony lived in peace and best plenty that ever it had till that time, yet most part of the people for that year of his government continued in the general services following their labors as Sir Thomas Dale left them by order.” The reflection in the last part of this extract is partisan and must be considered accordingly. The “unvarnished” fact is that the people continued on the joint stock plan under which they went, or were sent, to Virginia.

Yeardley had been commandant at Bermuda City and Hundred, which names had been changed to Charles City and Hundred (being so called for Prince Charles, as the next plantation above had been named Henrico for Prince Henry), and he continued to reside there for a part of his time; but as governor he was obliged to reside partly at Jamestown. He had seen the importance of tobacco as a commodity, and encouraged its cultivation from the first. There was a good crop planted in the spring of 1616, and, as most of those now in Virginia had become acclimated, there was no hindrance to its proper cultivation and care during the summer and fall. Everything went along quietly, and nothing of importance happened until the arrival of the Susan, about October 9, 1616. This was the first magazine ship, which brought sundry necessities, provisions,

clothing, goods, etc., which were exchanged with the colonists for their tobacco. Mr. Abraham Peirse came on this ship, as cape-merchant, and had charge of the magazine or company's store in Virginia. It seems to have been the only ship to reach Virginia during Yeardley's present government, and as it came in after the sickly season of 1616, those who came on it did not have to go through their "seasoning" until after the arrival of Argall. To make the voyage in the fall, and to reach Virginia about November, was finally found to be the best plan. The sun was not so hot in the tropics (*en route*), and the emigrants had some time in Virginia, in which to become "hardened," before "the sickness" of the following summer began.

Sir Richard Hawkins, who sailed from England for North Virginia in October, 1615, after remaining there some months, passed along the coast to Virginia in 1616, and stayed there some time; but I have not the details, nor the exact dates.

"At Christmas, 1616, just occasion being given by the Indians of Chiquohomini in many and several kinds of abuses, and in deriding of our demands, wherunto they had formerly agreed and conditioned with Sir Thomas Dale to pay us yearly tribute. . . . These and the like grosse abuses moved our governor, Captain George Yeardley, to levy a company of men to the number of eighty-four, to be revenged upon those contemptuous Indians, which he, according to his desire, fully executed, and returned home with the spoile of them; concluding, before his departure from them, a more firm league in appearance than formerly was, for that it continued unviolated almost the space of two years."

At the end of the account of this war in Smith's history it is stated that "Captaine Yearly had a salvage or two so well trained up to their peeces, they were as expert as any of the English, and one he kept purposely to kill him fowle. There were divers others had salvages in like manner for their men." Purchas adds to this: "Yet whiles

he [Yeardley] stayed in the government they lived quietly with the Savages." And Stith in his History of Virginia says: "But the Captain's [Smith's] authority is rendered very suspicious in this, by the Records of our General Court. For long after, the Governor and Council, received some queries from England, the fourth whereof was: *What was the cause of the Massacre, and who first taught the Indians the use of fire arms?* Whereupon, in a court held the 1st of November [O. S.] 1624, Robert Poole and Edward Grindon, gentlemen, ancient planters and inhabitants of the country, appear, and declare, upon oath, their knowledge of the matter. Their depositions entirely clear Mr. Yeardley, and shew him to have been very cautious and careful in that Point; and they throw the whole Blame upon Captain Smith himself, Sir Thomas Dale, and some other inferior officers and private persons."

In March, 1617, the three years' time of service of the incorporators of Bermuda City (now called "the corporacoun of Charles citty") expired, and they being freed, "with humble thanks to God, fell cheerfully to their own particular labors." This was the beginning of the end of the "joint stock" period in Virginia, but the company continued to send men who had to work out their passage, as well as servants of sundry sorts.

When Captain John Martin went to England with Dale in the spring of 1616, he left Henry Coltman to plant his ground at Charles City in corn and tobacco, under the supervision of his friend Rev. Alexander Whitaker of Henrico, who sent his man, John Flood, to aid Coltman. Whitaker was drowned in March, 1617, dying intestate. When Martin returned in May he found no corn; he held Governor Yeardley responsible for his loss, and this was the beginning of a long and bitter dissension between them. Martin sued Yeardley, and some of the depositions in the case have been preserved. The governor deposed that he had turned over Whitaker's property to his servant Thomas Hobson, "who was *as his son and child kept by him in*

his life time," and that Hobson had used the corn in feeding himself, Jarrett Hollock, John Flood, and one Ruben, the other servants of Mr. Whitaker. Martha Sizemoure, who lived at Mr. Whitaker's house both before and at the time of his death, knew nothing of his owing Martin any corn, and stated that Whitaker had been obliged to buy corn for himself from Thomas Dowse. And thus the trouble began. We might as well attempt to write the history of a city on the records of its police court as the history of the colony on such evidence as had its origin in some dispute, faction, or controversy. Those who wish to find out the truth, which is essential to history, have constantly to regret the loss of so much of the authentic evidence.

At the end of Yeardley's government the outlook was hopeful. It was becoming, thanks to tobacco, more and more evident that the colony would finally be self-supporting, and the demand for a strong government in Virginia was decreasing.

The Dutch were becoming more and more active in making discoveries to the north of Virginia, establishing trading-stations there for furs, etc.

XIX

ENGLAND, NOVEMBER 28, 1616 — NOVEMBER 26, 1617

BEGINNING TO FORM A NEW GOVERNMENT FOR THE NEW NATION

THE first efforts (1606–1609) had been in the nature of prospecting. The second efforts (1609–1616) had been to plant the colony on James River. In 1609 the managers, having become familiar with the climatic and other conditions, decided that the best way to accomplish their object was to send out a large expedition, and not to cumber the colony with numerous newcomers, to be going through the seasoning each year (as the yearly death rate would have been fatally discouraging to the enterprise in its infancy), until the country was somewhat cleared and a fast hold had been taken there. The first expedition of their first effort under this plan, owing to the tempest, had resulted in failure; but the second expedition under Lord De la Warr, and the second attempt under Dale and Gates, in 1611, had finally resulted in success, and at the return of Dale to England, in 1616, the colony was regarded as a settled plantation. The managers had now to devote themselves to their third object, or effort, namely, to settling the colony under such a form of government as would prove a sure foundation for the new nation which they had planted in the New World. Sir Thomas Smythe's health began to decline in 1616, when he was about fifty-nine years old, and "in regard of his sickness and other imployments," as then given out to the public, "it was determined to chose Sir Edwin Sandys as his Assistant in the management of the affairs of the Virginia Company, and he did in a manner wholie supplie Smith's place for the last two years."

Sir Thomas Smythe, however, continued to give his attention to the strictly business portion of the enterprise, with Robert Johnson as his deputy; while Sir Edwin Sandys, who had drafted the popular charters, was especially interested in planning a form of government for the colony under those charters. It necessarily took time to formulate and to put into execution the proposed new form of government. As the joint stock period was coming to an end, it was determined to send over to Virginia, at once, a new governor, with commissioners, surveyors, etc., to divide the shares of land among the old planters, and as the colony was now somewhat cleared and planted, it was resolved to begin sending new settlers to occupy the land. (Less than one hundred had been sent during 1612–1615.)

November 28, 1616, the preparative court was held, and on the 30th the Michaelmas quarter court, at which Admiral Samuel Argall was elected to be the present deputy-governor in Virginia, Captain Ralph Hamor, vice-admiral, Captain John Martin, master of the ordnance, and John Rolfe, secretary and recorder. The records are incomplete, and I do not know who were chosen as land commissioners, surveyors, etc. And it is not absolutely certain that Sir Edwin Sandys was chosen as assistant to Sir Thomas Smythe by this court; but it was either at this court, or at the following Easter court, May 31, 1617. As at all times, but especially at such important periods as this, the loss of the records is greatly to be regretted.

December 3, 1616, Rev. Richard Hakluyt, "one of the first patentees" and a firm friend of the colony, died.

December 7, Gondomar wrote to Philip III.: "In Virginia matters are said to go on better since they have made peace with the Indians; but in spite of all that they complain very much of the misery endured there by the English, who are there. . . . Here, however, they preserve these places [Virginia and the Bermudas] very carefully, as it appears to them that they will be very useful to England, if *there should be war with Spain*. And I feel sure that

for this reason and for honour's sake *they will never give them up.*"

The definite end of the joint stock period was reached on December 10, and in the auditing of "the old accounts from the beginning of the Plantation 'till the 30. Day [O.S.] of November, 1616," differences arose between the auditors over the accounts of the old officers. These disputes, spreading into the company, caused parties to be formed, which finally resulted in much controversy, crimination, and recrimination, even in the records themselves, thus creating another serious stumbling-block before the historian who wishes to find out and to give the real facts. But although many minor details are still unknown, the broad outlines are now sufficiently distinct and clear. As Gardiner well says, "the claim of Spain had practically broken down. Virginia had been colonised." The colony was becoming self-supporting; the value of Virginia tobacco was being acknowledged, and the laying of the actual foundation had begun.

The period of the joint stock having come to an end, the colony still needing help, and the resources of London having been constantly put to the test from the beginning, the company now determined to establish running lotteries from time to time in other cities of the kingdom. On December 29, 1616, the Earls of Sheffield, Pembroke and Southampton, Lords Paget and Cavendish, Sirs Thomas Smythe, Edwin Sandys, Dudley Digges, and John Danvers, and Esquires John Wrothe, Richard Martin, and John Wolstenholme, wrote to the municipal authorities of the city of Salisbury, asking them to assist the agents of the company (Gabriel Barber, and Lott Peere) in running a lottery in that city for upholding the plantation of Virginia.

Captain Samuel Argall had been selected for deputy-governor of Virginia, and the company was preparing to send him there. At a meeting of the company, January 18, 1617, Mr. Ralph Hamor had eight shares given him,

and at another meeting, one week later, "Bills of Adventure were allowed to Capt. Raphe Hamor and the persons hereunder named for every man transported at their charge being 16, who were to have noe Bonds (*vizth*):—

"One Bill of £12. 10s. for Mr Rob. Sturton.

" " " £25. — " " Christopher Martin.

" " " £12. 10s. " " John Blackall.

" " " £50. — " " Tho: Hamor.

" " " £62. 10s. " " Raphe Hamor.

" " " £25. — " " Wm. Tucker.

" " " £12. 10s. " " Elias Roberts. *16 shares.*"

The Hilary term of the quarter court met on February 15; no records.

There was an important meeting of the company, February 22, 1617, probably supplementary to the quarter court, "at which Dr. Laurence Chatterton renouncing all prizes by ye Lotterie had a Bill of adventure of £12. 10s. adventured in the Lottery — and Mr Stacy, ditto."

"Capt. Argall and his Associates here undernamed were allowed severall Bills of Adventure for transport of 24 persons at their charge — *vizth*

"One Bill of £25. — to Sir Wm. Lovelace, Knt.

" " " £50. — " " Antho Archer, "

" " " £50. " Mabell Lady Cullamore.

" " " £50. " John Argoll Esquire.

" " " £25. " John Tredecant.

" " " £100. — " Capt. Sam. Argoll."

At the Hilary court, or at this court, "His Majesties Councell for Virginia" formulated, or agreed upon, a circular, which was soon after published as a broadside, in which they tell the people of England "that there wants nothing for the setling of that Christian Plantation, but more hands to gather and returne those commodities which may bring profit to the Adventurers, and encouragement to others;" that the company had given a commission to Captain Samuel Argall to be the present governor of that colony; that himself and friends had undertaken to carry

thither a certain number of men; "that divers men of good qualitie had resolved to go thither themselves in person, and to carry with them their wives, their children and their families, whereby in short time (by the favour and assistance of Almighty God) that good work may be brought to good perfection, by the division and setting out of lands to every particular person, the settling of trade, and returne of commodities to the contentment and satisfaction of all Well affected Subjects, which eyther love the advancement of Religion, or the honour and welfare of this Kingdome;" and that they had resolved to give free leave to any man now in Virginia, at his pleasure to return into England, etc.

The Indians brought from Virginia by Sir Thomas Dale, in May, 1616 (to be educated in England), attracted much attention. Purchas says that "he often conversed with Uttamatomakin (commonly called Tomacomo) one of Pohatan's counsellors, at his good friend's Master Doctor Goldstone's, where he was a frequent guest, and where he sang and danced his diabolical measures, and discoursed of his country and Religion, Sir Tho: Dale's man being the Interpreter." But the one who attracted most attention was Matoaka, or Rebecca, the wife of John Rolfe. Purchas says that she "did not only accustom herself to civilitie; but still carried herself as the daughter of a King, and was accordingly respected not only by the company, which allowed provision for herself and her son, but of divers particular persons of Honor, in their hopefull zeal by her to advance christianitie. I was present, when my Honorable and Reverend Patron, the Lord Bishop of London [even then regarded as the head of the Church in Virginia], Doctor King entertained her with festivall state and pompe, beyond what I have seene in his great hospitalitie afforded to other Ladies."

Smith, in his "General History," published a "little Booke," which he says that he "writ to Queen Anne" before Pocahontas arrived at London, to make her qualities

known to the queen, etc. The letter was certainly superfluous, so far as the interests of Pocahontas were concerned, as the letters from Dale, Whitaker, Rolfe, and Hamor, relative to the crowning events in her life, had been published in 1615, and she was in charge of people who held the right to introduce her to the queen in person. After she arrived, Smith says that he had an interview with her, in which she told him, "They did tell us alwaies you were dead, and I knew no other till I came to Plimoth; yet Powhatan did command Uttamatomakkin to seeke you, and know the truth, because your councitmen will lie much."¹

Pocahontas was introduced at court by the lord governor and captain-general of Virginia, and Lady De la Warr, who showed her every attention. On January 16, 1617, they took her to see "Christmas his Mask" (written by Ben Jonson), when the new-made earl (Buckingham) and the Earl of Montgomery danced with Queen Anne. Chamberlain, in his news-letter, from London, on January 28, 1617, to Sir Dudley Carleton, at the Hague, tells him that "the Virginian woman Pocahontas, with her father's counsaillor, hath been with the King and graciously used;" and that both she and her assistant were well pleased at the mask. He says: "She is upon her return (though sore against her will) if the wind would come about to send them away." She was to return with Argall on the *George*, but died at Gravesend, prior to March 31, 1617, where the parish register contains this entry, "Mar. 21, 1616 [O. S.] Rebecca Wrolfe wyffe to Thomas Wrolfe gent., A Virginia lady borne was buried in the chauncell." Purchas says: "At her retorne towards Virginia. She came at Gravesend to her end and grave, having given great demonstration of her christian sinceritie, as the first fruits of Vir-

¹ In an old copy of Smith, which formerly belonged to Robert Bolling, of Chellowe, a descendant from Pocahontas, there is the following note on this sentence: "To find Smith and inquire of him whether he was dead! a very comical commission grand-mama, en verité. R. B."

ginian conversion, leaving here a godly memory, and the hopes of her resurrection, her soul aspiring to see and enjoy presently in heaven, what here she had joyed to hear and believe of her beloved Saviour."

In the course of a few months, in 1616, at least three of the Indians, brought from Virginia by Dale, had died at the house of Sir Thomas Smythe, in Philpot Lane, Langborne Ward, London, and were buried at St. Dionis church, in the same ward. They did not stand the climate of England much better than the English did that of Virginia, although they were amply provided for in every way.

"In furtherance of the hopefull zeal of divers particular persons of Honor [inspired by Matoaka?] to advance christianitie among the Indians," King James, before he set out for Scotland, on March 24, 1617, or soon after his return in September following, issued a circular letter to the archbishops, requiring them to write letters to the several bishops of the dioceses in their provinces, who were to give order to the ministers and other zealous men of their dioceses, to make collections "for the erecting of some churches and schools for ye education of ye children of those Barbarians in Virginia. Said collections to be made in all the particular parishes four severall times within these two years next coming; to be turned over to the Bishops of ye Dioceses, and by them transmitted half yearly to the Archbishops, who were to deliver the amounts to the Treasurer, of that Plantation, to be employed for the godly purposes intended, and no other!"

There were two things needful for carrying on the plantation — money and people. To obtain money (owing to the great expense and as yet no profit) it was necessary, as we have seen, to resort to lotteries. To obtain people to continue the clearing of the country (owing to the now well-known great mortality in Virginia) it was necessary for some years to take any that could be gotten of any sort and on any terms. On March 22, 1617, the Privy Council, at Whitehall, entered at large a warrant for delivering

malefactors of certain kinds to Sir Thomas Smythe, to be transported into Virginia or other parts beyond the seas, with proviso, that they return not again into England. And James I., while at New Castle (May 3-15), on his progress to Scotland, "propounded that such as were now to be transplanted should be sent to Virginia, and not to other parts beyond the seas."

In "The Genesis of the United States" (1605-1616) I believe that I have given James I. the credit due him, which is a very great deal; for unquestionably he was the great friend to the colonization enterprise, from his point of view, at all times; and prior to 1617 he seems to have been more willing to concede favors (even yielding his own ideas of government, colonization, etc., and his royal prerogatives) to the managers than to oppose their interests in any way. But soon after Sir Edwin Sandys began formulating his designs for the government of the colony, the king began to intermeddle in the management, and continued to do so more and more, until the company, largely through his instrumentality, was disrupted and the popular charters annulled. It is evident, however, from subsequent warrants, that Sir Thomas Smythe continued to send transports to India, and that the total number sent to Virginia was not large. And as to these, it was then said that "barbarous offenders were winked at, and innocent soules either out of private spleene or for greedy gaine, sent awaie." It is doubtful if any other class of white labor could have been secured to open up tide-water Virginia at that time than such as were sent. The planters soon began to substitute negroes, and as it was found that they withstood the climate during the summer better than the whites, in the course of time they came to supply the places of the lower classes of white labor almost entirely.

"A Charter of Land was granted to Captain Samuel Argall and his associates bearing date the 20 March 1616," that is, March 30, 1617, N. S. He sailed from Gravesend for Virginia in the early part of April, 1617. His special

missions were for dividing and setting out the shares of land to the old planters in Virginia, locating new private plantations, or hundreds, for the adventurers in England, etc., and only to make a beginning towards settling the proposed new form of government.

“The Virginia Company in London about January 1617 granted a patent unto Captain John Martin for him and his assignes free Traffique on the Baye and Rivers in those parts of Virginia which belong unto the said Company.” For certain considerations Martin assigned this patent to Captain John Bargrave of Patricksborne in Kent, and, on March 15, the company allowed Bargrave fifteen shares of land in Virginia, and his brother George (who married Martin’s daughter Dorcas) was allowed five shares. Bargrave says “that relying upon the said patent, he to his great charges furnished the Edwyn of London with men and wares of good value fit for the said plantation, and sent the same with the said Capt. Martin into Virginia.” This pinnace sailed from England about the 23d of April, 1617.

Heylyn says “in the latter part of the 16th and early in the 17th centuries many English youth were sent to Geneva to study the Reformed Religion out of an opinion [in which Heylyn did not agree] which their parents have that it is no where so purely practised and professed as there. And thus being seasoned with Genevan Principles have many times proved disaffected to the forms of government (as well Monarchical as Episcopal) which they found established here at home, to the great embroilment of the State in matters of most near concernment.” The government of Switzerland was popular, and the liberty of Switzerland made the independence of Geneva, which became the capital of the Great Cause. Sir Edwin Sandys (son of Rev. Edwin Sandys, one of the first who conformed to the Protestant Religion and afterwards Archbishop of York) was one of those alluded to. He was a member of the Church of England, but he favored “the emancipation of the

human mind," in matters of religion — religious liberty. He was "at harte opposed to the government of a monarchie," and favored civil liberty. He said, "he thought that if God from heaven did constitute and direct a frame of government on Earth it was that of Geneva." And he aimed to introduce such a popular form of government and "to erect a free state in Virginia." Such a firm believer in the royal prerogative as James I. being king, it was very necessary for Sandys to move slowly and with great diplomacy in putting such ideas as his into effect. Yet although so much of this evidence has been destroyed, and so much of that which remained was set forth especially to obscure or to obliterate such facts, it can now be seen that, although the laws of the colony were required to conform to the laws of England, each succeeding company charter (drafted by Sandys) and each succeeding instruction (drawn by Sandys and others) to Argall, De la Warr, Yeardley and Wyatt, for establishing their government in Virginia, was leavened more and more with the Genevan idea. Sundry references remaining relative to the instructions given to Argall at this time, and to De la Warr some months later, are sufficient to show this ; but the evidence is not sufficient to enable us to go into the details. As to the subsequent instructions to Yeardley and to Wyatt, however, the evidence is more ample.

Monday, May 29, was preparative court day and on the 31st the Easter quarter court met. Sir Thomas Smith was reelected treasurer, as he had been each year since the institution of the courts, and, as the officers of the company were annually elected at the Easter term, Sir Edwin Sandys was probably chosen as his assistant at this time. This was done either at the Michaelmas or Easter court during the period of this charter ; but I cannot be certain, because nearly all of the records for this very important period are still missing. The celebrated Dr. Francis Anthony was admitted for eight shares at this court.

At a company court of July 5, Mr. John Haulsey was

admitted for four shares. July 12 was Trinity quarter court; but we have no records. At a court on August 9 "a bill of Adventure of £43 15s. was sealed to Mr. Darnelly."

In the course of time those shares which had not been granted at a *quarter court* were called in question, and became the cause of much dispute; but most, if not all, of them were finally allowed to stand, in whole or in part.

In September, James I. returned from Scotland and about the same time Robert Cushman and John Carver, as agents of the Pilgrim church at Leyden, came over to try to arrange for the removal of the Pilgrims to Virginia. They had consultation and communication "with diverse select gentlemen of his Majesties Counsell for Virginia," over "the Seven Articles of the Church of Leyden . . . occasioned about their going to Virginia." They "found the Virginia Company in general well disposed, and gained an active friend in Sir Edwin Sandys (a prominent member of the Company and brother of Sir Samuel Sandys, the lessee of Scrooby Manor), who, though no Puritan, was a firm advocate of toleration."¹

The George had returned from Virginia; the company were preparing to send her back as a magazine ship, and the council was holding (as was not infrequently the case) weekly courts. I suppose that the petition of the Pilgrims was considered at these courts, but the records are lost. At a meeting on October 4, Mr. Berblock was admitted; on the 17th, Peter Arundell was granted a bill of adventure (David Watkins being cashier of the company), and, on the 24th, John Arundell was granted a bill of adventure (of £37 10s?).

November 7, Sir Ralph Winwood, "his Majesties Secretarie died of a burning fever."

¹ *Narrative and Critical History of America*, vol. iii. p. 265.

XX

VIRGINIA, MAY, 1617 — APRIL, 1618

*CAPTAIN SAMUEL ARGALL, ADMIRAL AND DEPUTY-GOVERNOR,
ESTABLISHING THE COLONY*

GOVERNOR ARGALL in the *George* sailed from Gravesend after March 31; lost sight of the *Lizard* April 21; "came a north course and anchored 25th of May before Point Comfort;" he must have had very favorable winds, as this was a very quick passage; found the people there well, tilling ground for corn and tobacco. May 27 or 28, Captain John Martin arrived in the *Edwin* (Captain George Bargrave), after a five weeks' passage. Argall then went up to Jamestown, where, finding all boats out of repair, he sent Captain Martin's pinnace to the north to fetch the boats "ye fishing company" gave him. John Pountis owned stock in this fishing-company; I have found only brief references to it, but I believe it to have been on the New England coast. Argall brought with him Vice-Admiral Ralph Hamor, Secretary and Recorder John Rolfe, and others "to the number of a hundred persons, partly at the charge of the company and partly at the charge of private adventurers." "He found the colony in all parts well stored with corn, and at Charles Hundred a granery well furnished by rents lately raised and received from the farmers." According to a report made at a Virginia Company court in May, 1620, "Gov^r. Yeardley delivered to him a portion of public land called the Company's garden, which yielded unto them in one year about £300 profit. Fifty-four servants employed in that same garden and in salt-works set up for the service of the colony; tenants, eighty-one, yielded a yearly rent of corn and services, which rent-

corn, together with the tribute corn from the barbarians, amounted to above twelve hundred of our bushels by the year; kine, eighty, and goats, eighty-eight." This does not represent the whole state of the colony at that time, but only the estate of the public or company.

Other accounts, unfriendly to Yeardley, state that he found all things in much disorder; "in Jamestown but five or six houses, the church down, the Palizados broken, the Bridge in pieces, the well of fresh water spoiled; the store-house being used for the church; the market-place, streets and all other spare places planted with Tobacco;"¹ that he was kindly received "by Captaine Yeardley and his companie in a martial order, whose right hand file was led by an Indian;" that "the salvages were as frequent in their houses as themselves whereby they were become expert in our armes, and had a great many in their custodie and possession; the Colonie dispersed all about, planting Tobacco."

The quarter court at which Argall was made deputy-governor "instructed him for the laying and seting out by bounds and metes certain lands;" but most unfortunately we have few particulars of his acts in these premises. Records missing.

It seems certain, however, that he located definitely the then bounds of the four great "Incorporations and Parishes of James Citty, Charles Citty, the citty of Henricus and Kie-cowtan," as well as certain private lands and plantations within these corporations.

June 17, the governor issued a proclamation to this purport: "Goods to be sold for 25 per cent and tobacco at three shillings pr pound—and not under or over—penalty 3 years slavery to the colony." Tobacco was then sometimes sold in England as high as ten shillings per pound. The fixing of so moderate a price for it to be traded at for goods in Virginia was soon resented by the planters. It was the beginning of the efforts of the governing power

¹ Arber's reprint of Captain John Smith's Works, p. 535.

(which has continued to this day) to squeeze all the revenue possible out of the plant; and it would be interesting to know how much this "vile weed" (so-called) has contributed to the support of the governments of the world.

At the same time Argall issued a proclamation against "John Hudson sometimes provost Marshall generall for divers crimes . . . condemned to die and according to letters from Sir Thomas Smythe, to Sir Thomas Dale, reprieved in hope of amendment, now guilty of more errors. Therefore to prevent ye danger in harboring so ungrateful a viper in the young and tender bosom of this so religious and hopefull an action. He is exiled and banished [among the Indians] and if he returns to be put to death without further judgment."

The George being now ready to return to England, with tobacco, etc., "Samuel Argall Esq — Admiral of Virginia during life and for the time present principal Governor" — wrote to the managers in England: "Desires 100 men with tools and that he will provide with victuals — Likes Jamestown better than Bermudas 40 miles above it, will strengthen it — Praises much ye healtheness of Jamestown and says that it was the fittest and convenientest place for unlading, being in the midst of the plantations, and there being a bridge to land goods at all times. Great plenty and peace. Sent Tomakin to tell Oppachancano of his arrival, he came to Jamestown and received a present with great joy. Tomakin rails against England, English people and particularly his best friend Sir Thomas Dale. . . . Powhawton is gone to ye King of Moy-umpes in Patawomack river and has left ye government of his Kingdom to Opachankano and his other brother. Thinks Hemp and Flax will grow well here, especially flax. Little trial yet of pöcoon,¹ but will proceed in it. Had instruction to plant anis-seed, but brought none — pray send some. Silkworms thrive exceedingly. Excellent wheat and Barley. Cattle thrive. Ground worne out with maize will bring English

¹ *Sanguinaria*, the bloodroot or puceoon of the Indians.

grain. Want ministers, Mr. Whitaker being drowned. Desires another Governor to be sent, in ye meantime will use his best endeavours on which he prays they will put ye best construction. Desires Sir Dudley Digges may solicit the archbishop to give Mr. Wickham power to administer the sacrament there being no other parson."

The first plantations located at the charge of private adventurers under the commissions sent by Argall were: I. "*Smythe's Hundred* from Tanks Wayonoke [Sturgeon's Point] to the mouth of Chicahominy river, containing about 80,000 acres on the north side of the James." II. "*Argall and his associates*," at Argall's Town near the Chickahominy on the north side of the James. III. "*Hamor and his associates*." IV. "*Martin and his associates*," at Martin's Brandon above upper Chippoake Creek on the south side of the James. The settlers for the first three plantations came on the George, being about eighty; those for the last came in the Edwin, being between twenty and thirty emigrants.

We are told that there was a great mortality among the colonists during the summer of 1617, "far greater among the Indians and a morrain amongst the deer." Those who had arrived in the Susan, George, and Edwin were going through their first "seasoning."

In 1616, the Somers Islands Company sent out a bark of small size, but an excellent sailer, called the Hopewell, "under Captain [John] Powell, a good mariner and very well traded in all the West Indies, and he soon carried his vessel into piratical courses; but finally reached the islands." Early in 1617, Governor Daniel Tucker sent him to the West Indies for cattle. He returned in the spring with three Spanish prizes, their chief lading being hides. The governor took the prizes and the booty, and "sharply questioned Powell of a misdemeanour and little less than a piracy." But Powell was a man of a daring spirit, and he soon sailed for England to bring the case before the court of admiralty. Some time after he left, probably early in

the fall, Governor Tucker, being seized with apprehension, sent a pinnace to Virginia with Edward Waters, Thomas Hellicott (a Frenchman), and some others, — the open pretense being to obtain cattle, the real object to carry the hides away from the islands; and the report was given out that in an effort to tan the hides they were spoiled. The pinnace soon reached Virginia, and remained there, having turned the Spanish hides over to Argall.

This fall Mr. Lambert found out that tobacco cured better on lines than in heaps.

The corn crop not meeting expectations in the fall of 1617, Argall sent out the Somers Islands frigate (which had brought the hides) and a pinnace to trade for corn with the Indians, “that brought us neere six hundred bushels more, which did greatly relieve the whole colonie.”

November 30, 1617, George White was pardoned, under the seal of the colony, “for running away to ye Indians with his arms and ammunition, which fact deserves death according to ye express articles and laws of this colony in that case provided,” etc. Anthony Edwards and Henry Potter were also pardoned about the same time, for crimes which were capital under the old laws.¹

Captain Samuel Argall, “admiral of Virginia during his life, and present governor,” issued the following commissions during the year 1617:—

“Several Commissions to trade to ye North parts of Virginia [New England]. Several commissions for commanders of the several Hundreds, etc.

“One to William Powell making him Captain of the Governor’s guards and Company, Lieut-Governor and Commander of Jamestown, the blockhouses and people there.

“One to Capt. Nath. Pool [Powell] to be serjeant major general to Francis West master of ye ordinance during life.

“And by Instructions from Lord La Warr, Lord Governor &c, Argall made Nathaniel West captain of the Lord General’s Company.

¹ We may find a parallel to “the 1618 in the California Laws of 1848—old laws of Virginia during 1607— 1855.

“Also the following Warrants.

“To 3 or 4 to examine witnesses and report to ye Governor.

“To Masters of ships not to let their sailors go ashore or talk with ye people at Kequoughtan.

“To some persons to trade with Indians.

“To the Ranger of ye forest at Kiqotan to take ye Indian spies or hogstealers, contrary to ye articles of peace.

“And the following ‘Confirmation :’ —

“Divers cattle given to the captains and others with ye female increase in lieu of their places were absolutely sold [confirmed] to them on November 25th 1617.” This act the Council in England afterwards decided as being illegal and unauthorized.

On December 7 the governor received a letter from the recorder (John Rolfe) and nine others, citizens of Bermuda Hundred, stating that they had refused to let Captain Madison clear their account, etc.

The governor replied on the 10th: “I will not infringe your rights being a member of that city [corporation] myself, but I beg that ye Colony servants may stay there this year.”

February 13, 1618, “the Governor orders the Commander of Kequotan not to let sailors come ashore or people to go aboard; because when ye sailors heard of men’s deaths they Imbezelled the goods sent them. Also ordered the commander to notify the Governor on the arrival of any ships.”

March 2, 1618, Argall issued a proclamation at Bermuda City, making William Cradock provost marshal of Bermuda City and of all the hundred thereto belonging.

The Edwin, which had arrived in Virginia in May, 1617, for the purpose of settling Martin’s Brandon, and trading under Martin’s patent, was “by the Governor denied free trade, neither was she suffered to trade in anything but by the warrant of the said Governor upon paine of death, by meanes of a book of lawes imprinted and there remayne-

inge, and of private letters write by ten of the Megazine Companie unto the said Governor, which Megazine Companie was then newly erected by the Virginia Company, and whereof the said Sir Thomas Smith, Sir John Wolstenholme, and Alderman Johnson are the principal in adventuring in the said Megazine or joynt stock, which letters were to this effect, that the Governor should not suffer the Tobacco and Sassafrasse to come over in private hands but by the Megazine for the good of the Companie. By meanes whereof the said plaintiff [Captain John Bargrave], as he affirmeth not only lost the benefit of his *free trade*, but also his said ship was enforced to stay there about 13 moneths [absent from England] to his extraordinary great chardge and damage.”¹

The magazine was a part of the company, and its managers were trying to protect those who, at great expense, had made this trade. But the ship was finally allowed to have some trade. On March 12, 1618, Captain John Martin bought 300 pounds of tobacco from Richard Crudge, brother to Mrs. Mary Tew, of London, payable in September following; and the Edwin sailed from Virginia about eight days thereafter with 3100 pounds of tobacco received in trade for Captain John Bargrave, and about 5000 pounds belonging to the Virginia Company (magazine) and the passengers.

The effort to open Virginia to free trade, almost as soon as there had been created any real commodity for trade, first made by the Edwin under Martin's patent, marks the origin of several lawsuits and controversies, — Martin *vs.* Yeardley, Bargrave *vs.* Smythe, etc. As the plaintiffs went to law in chancery, the cases, almost as a matter of course, continued during life. A mass of matter remains in each case; but the fact that the witnesses seldom give dates and its *ex parte* character detract from its value.

The Edwin carried sundry letters to England, — one,

¹ From Bargrave's deposition before Jones, Sir Robert Rich, and Sir Edward Leeche, in February, 1622.

from the governor, of March 20, in which he tells “ye Company in what a ruinous condition I found ye Colony by ye carelessness of ye people and lawless living, but I have improved almost everything. The citizens of Bermuda hundred claim ye privilege granted them which I can’t refuse, and therefore I can’t force the artificers there to follow their arts, to the great prejudice of the Colony. None hereafter to be made free of ye Colony ’till bound to follow their trades. Ship carpenters are contented to serve without ye wages agreed for All artificers sent upon wages to be undertakers to pay here. Corn don’t amount to my expectations—so desire but 50 men to be sent—Indians so poor can’t pay their debt and tribute—Powhatan goes from place to place visiting his country, taking his pleasure in good-friendship with us—lament’s his daughter’s death—but glad her child is living—so doth Opochankano; both want to see him, but desire that he may be stronger before he returns—Want clothes and tools sent here—ground will hold out but three years and can’t clear more for want of tools—Ploughs have been set to work for wheat, barley, peas, hemp, flax, and hath planted mulberry trees. Mr. Lambert has found out that tobacco cures better on lines than in heaps, and desires lines to be sent. Last summer a great mortality among us, far greater among the Indians and a morrain amongst the deer—Desire orders for Mr. Wickham and Mr. Maycock a Cambridge scholar, and a person to read for Mr. Wickham (his eyes being dim). Desire another Governor to be sent—all desire the Lord La Warr (who is our Lord Governor) to return to his government, where he will find all things in good order.”

At the governor’s request, I suppose, Secretary and Recorder-General John Rolfe drew up the following document, which was also sent by the Edwin:—

“Certain Reasons touching ye most convenient times and seasons of ye year for ye Magazine ship to set forth from England towards Virginia:—

“1. To come out in June and be here in September — a temperate time (Then is ye harvest of corn, and tobacco, and one man may tend and keep as much as two can house and cure). After September wind blowing at No. West will make a long passage.

“2. Weather after Sept^r — so unconstant that goods can’t be landed or shipt without hazard or damage.

“3. Because few taylors in the colony and ye people wont get their clothes time enough for winter.

“4. You will then have ye best tobacco — ye bad not then ready.

“5. Your ships may get home by Candlemas before ye East India ships set out which will help ye speedy venting of tobacco.

“6. If the ship don’t come before March (our seed time) we can’t afford time to attend ye Magazine.

“7. For want of boats it will be 14 daies loss to a man in transporting goods in which time he may loose all his tobacco and corn.

“8. If ye ships return after April ye heat of ye hold will hurt ye tobacco.

“9. Furnish your Magazine with more than for ye present and let a continual trade be on foot and then at ye arrival of your shipping you will have comodities ready [in the store] and they will be soon dispatched.

“10. If you grant more such commissions for general trade as you have done to Captain Martin you will overthrow your Magazine.

“Conferr with ye bearer Mr. Dade, who has had a year’s experience and can satisfie you in all points.”

Sir Walter Raleigh was at Mevis, in March, 1618, and sailed with the Gulf Stream along our coast in April, 1618, via Newfoundland to England. In the same month the chief of the Powhatan Indians, commonly called King Powhatan, died in Virginia.

XXI

ENGLAND, NOVEMBER, 1617 — OCTOBER, 1618

ESTABLISHING THE COLONY

ON November 21, 1617, James I. wrote to Sir Dudley Carleton, his ambassador in the Netherlands, relative to Sir Thomas Dale; and on the next day Sir Edwin Sandys wrote to Rev. John Robinson, and to his old friend Elder William Brewster,¹ at Leyden, which letter was sent by their agents Cushman and Carver. These letters may have gone over at the same time. Sandys shows not only a willingness, but an anxiety, to have the Pilgrims settle in Virginia, if the parties (the church and the company) could reach a mutual agreement. As young men, William Brewster and George Cranmer had been in service together under William Davison, secretary of Queen Elizabeth. George Cranmer was an old friend and college mate of Edwin Sandys, whose father, the archbishop, was a friend to William Brewster's father, and thus these three young men became friends. In the latter part of the sixteenth century, George Cranmer (a grandnephew of the great Archbishop Cranmer, and brother to William Cranmer sometime an auditor of the Virginia Company) traveled into foreign countries with Edwin Sandys, who probably then imbibed his admiration for the government of Geneva and the desire for the opportunity to test it which inspired him in drafting the Virginia Company charters. Under all the circumstances of their past associations, it was most natural for Sir Edwin Sandys to wish to give his old friend Brewster the privileges of civil and religious liberty in the new colony. Al-

¹ For the letters in these premises, see Bradford's *History of Plymouth Plantation*.

though it came to pass that Elder Brewster and the Mayflower emigrants did not land in Virginia, their emigration was as much a result of "the popular policy" under the Virginia Company charters as was the House of Burgesses in Virginia. In fact, there was no other legal English authority under which they could have been sent to America at that time than the popular Virginia charters, and none to give them the legal rights (afterward acquired in 1621) to settle beyond the bounds held under those charters. The changing of the charters in 1609 was the turning-point in the destiny of this nation.

November 29, 1617, the Michaelmas term of the Virginia Company quarter courts met, at which Mr. Edward Woller passed seven shares (of £12 10s apiece) to Mr. Gabriel Barber. No other record.

The lord admiral had given several warrants for staying ships from Virginia with the object of making them pay duty on tobacco; and about this time the Council and adventurers of the Virginia plantation sent a petition to the king—which he referred to his Privy Council—asking that they may at least enjoy that "small remainder of the term of seven years contained in their Letters patent, and if possible a longer term." After consideration, the Privy Council, on December 19, 1617, gave orders to the lord high treasurer of England to permit the duty free term to continue as mentioned in the said grant, "and no longer."

At a court, December 27, Sir Foulke Greville was admitted into the Virginia Company.

January 6, 1618, Lord De la Warr entered into a covenant with Edward, Lord Zouch, who adventured £100 with the lord governor in his present intended voyage to Virginia.

Robinson and Brewster replied to Sir Edwin Sandys on December 15, 1617, sending at the same time "their requests in writing, subscribed with the hands of the greatest part of our congregation, and have sent the same unto ye Counsell by our agent and a deacon of our church, John

Carver." "Their requests" were probably submitted to the Council of the Virginia Company at their meeting on January 17, 1618, (at which "Mr. John Taverner surrendered to Mr. David Wiffin a bill of Adventure of £37 10s being 3 shares"), and to the Privy Council soon after, who required "a farther explanation in three points specified." As to this Sir John Wolstenholme wrote at once to Messrs. Robinson and Brewster.

January 18, Sir Robert Naunton succeeded Winwood as secretary of state.

January 24, "Mr. [Marmaduke] Rayner to have a bill of adventure of four shares. Mr. Sidrake Soane surrendered unto Henry Fotherby one bill of adventure of three shares." These things were done at a Virginia court.

February 10, Chamberlain wrote to Carleton: "The Lord De la Warr is returning to Virginia and carries with him seven or eight score men. Sir Thomas Gates makes account to follow him sometime next sommer."

February 14, Hilary term quarter court of the Virginia Company. No records. At a private court on the 21st Samuel Tubman was allowed one share.

Robinson and Brewster replied to Wolstenholme on February 6, sending "a further explanation of their judgments in the 3 points specified by some of his majesties Honorable Privy Council." These papers were promptly handed to Wolstenholme by their agent.¹ Sir John was not satisfied with their explanation, but told the agent that "he would not show the letters, least he should spoil all. Both the king and the bishops having consented to their going. He promised to see Mr. Chancellor Sir Fulk Grevell, on Feb. 24, (on which day the Agent wrote to Rev. John Robinson), and to let the agent know more the next week." The agent met Sir Edwin Sandys on Wednesday night, the 21st (after the meeting of the Virginia court of that day), and Sandys wished him "to be at the Virginia Courte ye nexte Wedensday, where I [the agent] purpose to be."

¹ S. B., or Sabin Staesmore.

This court met on the 28th, but the only record of its acts which I have is a memorandum that "Mr. Wm. Berblock was allowed a Bill of Adventure of 5 shares."

It must constantly be borne in mind that a court of the company, of the Council, of the committees, or some other sort, met on every Wednesday in the year save during the period of "the long vacation," and other vacations; that the records of the company and of these courts are mostly missing, — in fact, for the first twelve years are almost entirely wanting. I do not know what was done for the agent at the court of February 28, or at those of March 7, 14, 21, etc. These were courts of the committees. On March 14, "a bill of adventure was granted Sir Samuel Saltingstone for three shares in Virginia," and this memorandum is all the record of the courts which I have. But their acts were probably favorable, because from other sources we know that Sir Edwin Sandys, Sir Robert Naunton, Sir John Wolstenholme, and others were laboring with the king about this time for the guarantee of the liberty of religion requested by the Pilgrims in their proposed grant for lands in Virginia. When Sir Robert Naunton moved his Majesty to give way that "such a people might enjoy their liberty of conscience under his gracious protection in America; where they would endeavour the advancement of his Majesty's dominions, and the enlargement of the interests of the Gospel," the king said it was "a good and honest motion."¹

Others wrought with the Archbishop of Canterbury, "who gave them some expectations, that they should never be disturbed in that exercise of religion at which they aimed in their proposed settlement." But neither the king nor the archbishop would allow or tolerate them by public authority, and the king would not confirm to them liberty in religion under his broad seal, according to their desires. They would be connived at and not molested, provided they carried themselves peaceably. "And this was all the

¹ Hanbury, vol. i. p. 392 note.

chief of ye Virginia companie or any other of their best friends could do in ye case. And with this answer ye messengers returned [to Leyden, probably in March or April, 1618], and signified what diligence had been used, and to what issue things were come."

On March 15, the Privy Council wrote to Lord De la Warr "not to suffer Henry Sherley, son of Sir Thomas Sherley, to go with him to Virginia as he had made an escape from imprisonment in the King's Bench where he had been confined upon an execution for debt, and it was thought would attempt to transport himself unto Virginia or some parts beyond the seas." Sherley was related to De la Warr's wife. On March 26, Chamberlain wrote to Carleton that "the Lord De la Warr is set forward at last toward Virginia." Howes, in his chronicle, says: "At the beginning of April 1618, the Lord De la Warr with about eight score persons, viz. — men and women — went ye second time to Virginia *to make good the Plantation.*" He had been in bad health since his return, and "could not recover his perfect health until the last year in which he builded a very faire ship and went now in it himselfe."

Lord De la Warr sailed about April 15. He had been preparing to go since the fall of 1617, and his long delay may have been owing to the hope that he would be able to carry the Pilgrims with him. He was lord governor of the colony for life. He went with instructions to make good his colony, which was now becoming somewhat self-sustaining, by establishing some form of government which had been designed by Sir Edwin Sandys. These instructions were probably given him at November court, 1617; we have not the date of the issuing, nor the form of the government designed by them; but owing to the lord governor's death they did not take effect, and it seems quite certain that they were renewed in whole or in part to his successor, Sir George Yeardley, and that they were at least somewhat similar to the document sometimes called "our Magna Charta."

Late in April or early in May, the ship Treasurer, Captain Daniel Elfrith, sailed from England with a commission obtained (from Charles Emmanuel I., "the Great Duke of Savoy," through the Count Scarnafissi, his ambassador in England) by her owners, Lord De la Warr, Sir Robert Rich, and associates, to prey upon the shipping of Spain, with the James River as a place of retreat, — a thing which the Spaniards had supposed to be the ultimate object of the English, and which they had dreaded from the first.

The Edwin of London, George Bargrave captain, and James Bret master, arrived from Virginia on May 12. The next day Lord Admiral Nottingham issued his warrant for her to pass up the Thames, his former orders to the contrary notwithstanding; and the next day (14th), on a bond being given by "Captain John Bargrave, part owner, and James Bret, master, to save harmless Edward Lord Zouch, Lord Warden as he is admiral of the Cinque Ports, the said ship with the goods contained therein were delivered to her part owner and master aforesaid." This ship brought 3100 pounds of tobacco to Captain John Bargrave, as the result of a trade for "the wares of good value" sent over by him, and about 5000 pounds belonging to the Virginia Company and the passengers. Among the letters brought was one from Deputy-Governor Argall, in which he objects to Martin's patent (under which the Edwin had traded) as being too broad, and causing a jealousy and contention or dissatisfaction among the other colonists. At the Easter term quarter court, which met on the 16th, this letter was considered, and a committee appointed to examine and reform the said patent.

At this court Sir Thomas Smythe was reëlected treasurer, Sir Edwin Sandys assistant, and Robert Johnson deputy-treasurer. Sir Eustace Hart surrendered unto Mr. Thomas Gibbs a bill of adventure of £25, and Mr. Gibbs, paying in £12 10s more, was allowed three shares. After sundry private meetings among themselves, the Earl of Southampton, Sir Edwin Sandys, Sir John Danvers, and some others

had reached the conclusion that the old accounts, during the joint stock period, from the beginning of the plantation to December 10, 1616, ought to be audited, and this court appointed Sir Edwin Sandys, Sir John Danvers, Mr. J. Wroth, Mr. Maurice Abbot, and Anthony Abdey as auditors, to settle these accounts for the satisfaction of the world as well as the company. Anderson, in his "History of Commerce," states that "these five auditors prevailed on Sir Francis Bacon to write his excellent Instructions concerning New colonies."

Captain John Bargrave says that when his 3100 pounds of tobacco arrived he was offered eight shillings the pound for it, but it was seized in the custom-house by the farmers of the custom for the sixpence per pound due the king, on the plea that he was not a member of the Virginia Company, and therefore was not entitled to enter the tobacco duty free. He says that it took him so long to prove that he was a member, — so many obstacles being thrown in the way, — that before he could get his tobacco cleared, the George, the magazine ship of the company, arrived with 20,000 pounds of tobacco, and the price fell to 5s 3d the pound. He held Sir John Wolstenholme, a farmer of the custom, chiefly responsible, but brought suit against Sir Thomas Smythe, as treasurer of the company, for his loss due to the fall in the price of tobacco, and the suit continued as long as Sir Thomas Smythe lived. Eight shillings a pound then was worth about \$800 to \$1000 per hundred pounds now, and 5s 3d about \$550 to \$685; so it will be readily seen that tobacco was fast becoming better than a gold mine. Within a few years men were anxious to go to Virginia, regardless of the climate and all other difficulties, and it was then no longer necessary to obtain emigrants or laborers by force, etc.

June 20, at a Virginia court, Sir Nicholas Tufton was admitted into the company. The next day, Edward, Lord Zouch, wrote to Captain Ward that he intended to adventure his pinnacle with Mr. Bargrave to Virginia, and de-

sired him to prepare the bargain and advise the best course to be taken therein.

June 22, at an East India court, a letter was read from Henry Bacon (who had lately returned from Sir Walter Raleigh's voyage) to the governor of the company, Sir Thomas Smythe, stating "that Don Diego de Molina, who was prisoner in Virginia incited the King of Spain, to send forces to suppress Virginia, by the hopes of a silver mine there, from which he shows a piece to justify the truth thereof."

The governor of the Virginia Company wrote to the municipal authorities of Leicester on May 12, asking them to countenance and encourage a lottery which they were about to have opened in Leicester for the benefit of Virginia, and the drawing took place on June 22.

June 25 was preparative court day; the 27th was Trinity term quarter court, at which "Sir Henry Rainsford was allowed a bill of adventure for 3 shares." No other record.

July 3, Sir Thomas Smythe was appointed one of the commissioners of the navy.

Gondomar took his leave of the English court on June 18, but remained in London until July 26. "He sailed on July 30th, with the popish priests, whom upon his earnest request the King had discharged out of prison."

The author of "*Vox Populi*" (Rev. Thomas Scott, of Norwich, who fled to Utrecht) says: "At a great and special meeting of the whole Spanish Council of State held on the return of Gondomar from England in 1618. The President, the Duke of Lerma, said . . . to advance the Catholique Romane religion and the Catholek Spanish dominion, together; we are now met, by his Majesties command, to take account of you (Seigneur Gondomar) who have been ambassadour for England, to see what good you have effected there towards the advancement of this work, and what further project shall be thought fit to be set on foot to this end. And this is briefly the occasion of our meeting."

Gondomar, in his long statement as to what he had done towards these ends, is made to say (among other things): "Thirdly — As for their West Indian voyages, I withstand them in earnest, because they begin to inhabit there, and to fortifie themselves; and may in tyme there perhaps raise *another England to withstand our new Spaine in America*, as this old England opposeth our present state, and cloudes the glorious extent thereof in Europe. Besides, there they trade for commodities without waist of their treasure. . . . Therefore I crost whatsoever intendements were projected for Virginia or the Bermudas, because I see they may be hereafter really helpfull unto them, as now they serve for draines to unload their populous state, which else would overflow its own banks by continuance of peace, and turn head upon itself, or make a body fit for any rebellion.

"And so farre I prevayled herein, as I caused most of the *recusants*, who were sharers, to withdraw their *venters*, and discourage the work, so that besides private persons, unable to effect much, nothing was done by the publique purse. *And we know by experience, such voyages and plantations are not effected, without great meanes to sustaine great difficulties, and with an unwearied resolution and power to meete all hazards and disasters with strong helps and continual supplyes, or else the undertaking proves idle.*"

"*Vox Populi*" was a fabrication, but it appealed to popular ideas, contained some truths, and was long and widely received as genuine history.

Fuller in his "Church History of Britain" says: "Once King James in an afternoon was praising the plentiful provision of England, especially for flesh and fowle, adding the like not to be had in all Spain, what one county here did afford.

"'Yea but my Master,' quoth Gondomar, 'hath the gold and silver in the East and West Indies.'

"'And I, by my Saul!' saith the King, 'have much ado to keep my men from taking it away from him.' To which the Don's Spanish gravity returned silence."

At a Virginia court on August 1, "Mr. Richard Paulson sold to Robert Hudson a Bill of Adventure of £50 — 4 shares." At another court on the 3d, "Francis Baldwin was allowed a bill of adventure of £12 10 — 1 share; Edward Crosse was allowed one personal share; Thomas Norincott passed to Mr. Francis Meverell, 3 shares; and Mr. Crowe passed to Mr. Wm. Bolton, 5 shares."

Bradford says that the reports brought to Leyden from England by the agents or messengers in the spring of 1618 "made a dampe in ye business," some fearing that the move to Virginia might "prove but a sandie foundation;" "but some of ye cheefest thought otherwise." "If there was no securitie in the promise intimated, there would be no great certainty in a further confirmation of ye same; for if afterwards there should be a purpose or desire to wrong them, though they had a seale as broad as ye house flore, it would not serve ye turne; for ther would be means enew found to recall or reverse it." But before they could reach a conclusion for sending messengers with power to close the contract for the church with the Virginia Company, there was long agitation about many things with "messengers passing too and againe [between the church and company] about them." It is probable that some of these messengers were at the courts of August 1 and 3. These meetings, coming so close together, and in the time of "the long vacation," indicate some important business as then being considered. However, somewhat before this time, Francis Blackwell, an elder of the Nonconformist church at Amsterdam, had come over with a party from his church "prepared for to goe to Virginia. And he, with sundrie godly citizens, being at a private meeting (I take it a fast) in London, being discovered, many of them were apprehended, whereof Mr. Blackwell was one." He was arrested and imprisoned, but recanted, and received the solemn blessing of the archbishop. He and his fellow churchmen were about to sail for Virginia on the *William and Thomas* (the magazine ship), the Virginia Council having already written

their official letters to the colony, when another magazine ship, the *George*, returned from Virginia with Captain George Yeardley, 20,000 pounds of tobacco, and letters from Deputy-Governor Argall which created a great commotion in the Virginia Council. They destroyed their former letters, and wrote others, both to Argall and to Lord Governor De la Warr, on September 1 and 2. They take Argall to task, and write to De la Warr to ship him home to satisfy the adventurers by answering everything laid to his charge. These letters were sent at once by the *William* and *Thomas* (in which ship Elder Blackwell and his people went); they are signed by Thomas Smythe, Lionel Cranfield, John Davers, John Wolstenholme, and Robert Johnson. The preservation of these letters is due to Ferrar, and to the fact that they were afterwards used in the controversy between the two political parties in the colony and company.

On September 14, Mr. Sabin Staresmore wrote to Mr. Carver about his own arrest (he was then "in Wodestreete compter") and about the arrest and "weakness" (in recanting) of Mr. Blackwell.

The seven articles of the Leyden church were reviewed in "The ten counter demands [to the Nonconformist body] propounded by T. Drakes, Preacher of the word at H. and D. in the county of Essex," in which he asks "whether it were not the separatist's best course to return again [to England? or the Church of England?]; or, if they will not take this course whether it were not good for them to remove to Virginia and make a plantation there, in the hope to convert the Infidels;" which idea he was disposed to encourage. This pamphlet was answered in another by William Euring, who deemed it wiser "to enjoy peace with holiness in our native country than either to continue where now many of us as yet live, or to plant ourselves in Virginia," etc. These pamphlets are numbers 485 and 495 of Dexter's list in his "Congregationalism as seen in its Literature." Mr. Wilberforce Eames, of the Lenox Library,

New York, has identified "T. Drakes" with Rev. Thomas Draxe, B. D., of Christ's College, Cambridge, Vicar of Dover court-cum-Harwich in Essex, who was buried there January 29, 1618 (O. S.).

September 19, at a Virginia court, "A bill of Adventure of £12 10s was allowed David Wiffin — 1 share;" and at another court, on the 26th, Mr. David Waterhouse passed a bill of adventure of £50 to Mr. Bland, of four shares.

At one of these courts an order was resolved on to seize whatever goods of Captain Argall's that should be sent to England; which order, at the request of Lord Rich, "was so far forth dispensed with as that his Lordship might not withstanding take out his own part (intending so much as should belong to him by his right of partnership) upon promise to deliver the rest into the company's hands so far forth as should be in his power to perform it." Owing to this order, it came to pass that the goods of the partnership were returned from Virginia under other men's names, and the acts of their agents attributed to others. Sir Robert Rich became Lord Rich in August, 1618, and Earl of Warwick in April, 1619.

In August, 1618, Archy Armstrong (the court jester to James I. and Charles I.) was granted a patent or license, by which he had a monopoly of the making of tobacco-pipes, which was soon complained of, as "though it seem a small matter, yet it concerned a number of poor men;" but "Archy the Dizzard" was noted for having an eye and a tongue for other men's money.

On August 10, 1618, "a petition which had been referred to the Court of Common Council of London under the hands of many citizens for taking up of vagrant Boys and Girls that lie and beg in the streets of the city and for the transporting of them to Virginia to be employed in some industrious courses, was read and approved. Thereupon it was ordered that Sir Thomas Bennett, Sir Thomas Lowe, Sir John Leman, *Knights* and *aldermen*; Sir Anthony Benn, Knight, *recorder*, Mr. William Halliday and

Mr. Robert Johnson *aldermen* and *sheriffs*; Mr. Richard Pyott, Mr. William Gore, Mr. John Gore, *aldermen*; John Hodges, *grocer*, Samuel Goldsmith, *mercier*, Maurice Abbott, *draper*, John Williams, *goldsmith*, Wm. Towerson, Robert Bateman, *skinnners*, Thomas Johnson, *merchant-taylor*, Nicholas Leate, Wm. Canning, *ironmongers*, Richard Fox, *clothworker*, and Samuel Armitage, *girdler*, or any three or more of the said Aldermen and five or more of the said Commoners should take into consideration the said petition, and treat as well with the Virginia Company for the transportation and employing of such vagrants; the charge thereof; and how the same should be most conveniently levied, as for other matters which in their wisdoms and discretions they should think behovefull for the ordering of the same from time to time. And to report thereon at the next Common Council.”¹

It was “agreed between the above committee and other committees appointed by the Virginia Company that the number of one hundred boys and girls from the age of eight years to the age of sixteen, born within the city and liberties thereof, having no means of living or maintenance should be taken up and transported to Virginia, there to be educated and brought up at the charge of the said Company in such trades and professions as the said Company shall think fit, to every of which boys and girls the said Company is to allow 50 acres of land there, viz^t to the Boys at their several ages of 24 years, and to the girls at their several ages of 21 years or marriages which shall first happen. The charge for transportation and appareling of which children would amount to the sum of £500, or thereabouts. It was enacted and agreed that every person living within the city or the liberties thereof and taxed or assessed towards the relief of the poor, should pay rateable for every penny that he, she, or they were rated or assessed to pay weekly for the relief of the poor at the last assessment or taxation vj^d. That is to say that every person so

¹ City Records, Journal 30, fol. 374 b.

dwelling and taxed as aforesaid should pay for this levy the *Eight* part of the yearly sum which he, she, or they, are taxed or assessed for the relief of the poor, or thereabouts; the same to be gathered by the church wardens, collectors for the poor and one of the constables in each parish, the same to be paid over to the Alderman of that Ward before the 1st of October [O. S.] next ensuing: to be by him paid and employed for the use aforesaid — Constable to distrain those refusing to pay the rate.”

In the account for the year 1618–1619 of Richard Downes, churchwarden of the parish of St. Christopher's, London (which parish is now entirely absorbed by the Bank of England), there is the following entry: —

“Paid to the Lord Mayor more than I could collect for the sending of children to Virginia — 19s 3d.”

On October 4 (N. S.), 1618, the Common Council “further enacted that indentures should be entered into between the Mayor, commonalty and citizens of London [on the one part] and the said Virginia Company [on the other part], for performance of covenants by the said Company towards the said children: to be prepared by counsel.”¹

The will of Mary Robinson, of Mark Lane, in the parish of St. Olave, Hart Street, London, dated February 13, 1617 (that is, February 23, 1618, N. S.), was proved October 6 (N. S.), 1618, in the prerogative court of Canterbury. In it she “gave and bequeathed towards the helpe of the poore people in Virginia, towards the building of a church and reduceinge them to the knowledge of God's word, the sum of two hundred pounds, to be bestowed at the discreation of my cozen, Sir John Wolstenholme, Knight, with the advise and consent of four others of the chiefest of Virginia Company, within two yeares next after my decease.”

“During the year 1617 the treasury of the Company being exhausted, it pleased divers Lords, Knights, gentlemen and citizens, at their private charges (joining them-

¹ City Records, Journal 30, fol. 396.

selves into societies) to set up divers particular plantations," whereof the first of any moment was called Smythe's Hundred, for Sir Thomas Smythe, the treasurer of the company and a leading member of the society; and the next, organized in 1618, Martin's Hundred, for Richard Martin, Esquire, an attorney for the company and a leading member of the society. Sir John Wolstenholme was a member of both societies. In October, 1618, the society of Martin's Hundred sent the Gift of God (possibly the old North Virginia ship) to Virginia, with about two hundred and fifty settlers for their plantation.

During Gondomar's absence, Julian Sanchez de Ulloa, and Fray Diego de Lafuente ("Padre Maestro"), Gondomar's confessor, looked after the interests of Spain in England. On October 12, 1618, Sanchez wrote to Philip III.: "The English are very hastily settling and fortifying Bermuda and Virginia, sending every year a number of men there, and this year more than 700 persons have already gone, taking with them samples of various fruits to plant, and a variety of fowls and cattle to raise there, and a supply of artillery, ammunition, and arms, and many tools to erect earthworks and fortifications."

XXII

VIRGINIA, APRIL, 1618 — APRIL, 1619

CAPTAIN SAMUEL ARGALL, ADMIRAL AND DEPUTY-GOVERNOR TO APRIL 20, 1619. CAPTAIN NATHANIEL POWELL, ACTING DEPUTY-GOVERNOR, APRIL, 1619. ESTABLISHING THE COLONY. LORD DE LA WARR, THE LORD GOVERNOR, SET OUT TO MAKE GOOD THE PLANTATION, DIED EN ROUTE.

THE magazine ship, the *George*, left England in December, 1617, was five months in her passage, and consequently the supplies arrived in bad condition. She brought about fifty emigrants, and found, according to a subsequent report made after the contention against Argall began: "About 400 of men, women and children of which about 200 were most as was able to set hand to husbandry, and but one plough was going in all the country which was the fruit of full twelve years labor," and a public expenditure amounting to about \$1,500,000 present value, "besides the great expences of particular adventurers."

The object of this report was to reflect upon Argall and others. On the other hand, although the commodities received in this ship were in bad condition, the profits of the voyage were considerable to the company.

"A sister of Rev. Alexander Whitaker's came into the Colony [on this ship], who made enquiry after the goods of her deceased brother, but found that he left little of value behind him."

Captain Powell, in the *Hopewell*, arrived in England from the Somers Islands in the fall of 1617; his case was brought before the company courts, and all his actions in that kind were disavowed by the company, who had much trouble about the *Indians* with the *lord admiral* and the Spanish ambassador and only secured them at a cost of

near £400 out of the joint stock. The Council wrote to Argall by this ship about these hides, giving him the particulars. They also released him from attending to the magazine, etc.

The ship arrived early in May (present style), 1618. On May 21, "there happened a most fearfull tempest, which powred down hailstones eight or nine inches around and did much spoil to corn and tobacco."

May 28, Argall issued the following edicts:—

"Against private trucking with savages, and pulling down pallisadoes.

"Against teaching Indians to shoot with guns on pain of death to learner and teacher — and none to hunt deer or hogs without the governor's leave.

"To go armed to church and to work — to keep watch.

"Hogs in Jamestown the 2nd time forfeited to the colony. Hogs to be ringed at Bermuda.

"No man to take hay to sweat tobacco, because it robs the poor beasts of their fodder, and sweating tobacco does it little good as found by experience.

"Every man to sett 2 acres with corn (except tradesmen following their trades) — penalty forfeit of corn and tobacco, and be a slave a year to ye Colony.

"No man to shoot but in defence of himself against enemies untill a new supply of ammunition comes.

"None to go aboard ye ship now at Jamestown without ye governor's leave.

"No trade with ye perfidious Savages nor familiarity lest they discover our weakness.

"Every person to go to church Sundays and holidays — or lie neck and heels on the Corps du Guard ye night following and be a slave ye week following — 2nd, Offence a month — 3rd, A year and a day."

At this time the colony was very "slenderly provided of munition."

The George left Virginia about the 25th of June, loaded chiefly with sassafras and tobacco, — about 20,000 pounds

of tobacco traded for at three shillings the pound the best, the rest at eighteenpence. The ship carried letters from Argall, Rolfe, and others, of which only abstracts remain. The governor wrote to the right honorable lords of the Council for Virginia: "Earnestly desires to give up his place. He is glad he is freed from ye magazine business. Lets them know they have affronted him by joining ye Cape Merchant with him in equal trust (sending letters subscribed with so few names, terming him but deputy-governor, etc.). No such thing as Idleness now.—You won't be overburdened with tobacco nor any other commodity; because you fix low prices for tobacco and high prices for ye goods—and if the people fall upon hemp or other comodity, it will be even as with tobacco—you have wholly discouraged them. They are forced to tend old ground for want of the tools, that we expected . . . 3/- per lb for tobacco . . . cattle for, and had but 2/3d . . . [torn]. Had disposed of the public Kine according to commission. Had provided sundry stuff for ye College, and paid sundry debts for ye Company. *Being Admiral knew how to dispose of such unlawfull purchase as the Spanish hides.* Gave them warning that Opochankano and the Natives have given their country to Mr. Rolfe's child and that they will reserve it from all others 'till he comes of years," etc.

It must be remembered that Mr. Rolfe was the secretary, and that the public letters were during his secretaryship written by him; but of course he only wrote as the governor directed or dictated.

Certain letters, said to have been written at the instigation of Sir Robert Rich, had been sent from England by the George, which "suggested [to the planters in Virginia] that the merchants (as they termed them) who then swayed the courts affected nothing but their own immoderate gain, though with the poor planters extream oppression, as appeared by their magazine." In reply to these letters were now sent from Virginia to Rich, by the George,

authorizing him to go and complain to the king in behalf of the planters.¹

Sir Robert Rich and other noblemen in England desired to settle plantations in Virginia free from the control of "the merchants and the company monopolists," and in order to carry out their plan they were trying to arrange, by appealing to the king, so that the old planters might take grants of land from their party (Rich, Argall, and others) to the prejudice of the company. And this seems to have been the definite beginning of the company parties in England and in the colony. Thus the party contentions began, and Sir Robert Rich (afterwards Lord Rich and Earl of Warwick) and his party "pursued with great Eagerness the displacing of [the merchants] Sir Thomas Smith and Alderman Johnson from the government of the Company."

The letters to which Captain John Smith refers in his history for his account of Argall's government were probably to private friends in England. They do not appear to correspond with any of those to the Council of which we now have record. While this portion of his history is not so partisan as some other parts, it is but a jumble without regard to date. The "relation from Master John Rolfe, June 25, 1618," must have been sent by the George at this time. It begins: "Concerning the state of our new common-wealth, it is somewhat bettered, for we have sufficient to content ourselves, though not in such abundance as is vainly reported in England. Powhatan died this last Aprill, yet the Indians continue in peace. Itopatin his second brother succeeds him, and both hee and Opechankanough have confirmed our former league, etc. . . . Thus in peace every man followed his building and planting without any accidents worthy of note." The next event mentioned (the difference between Argall and Brewster) happened in October, 1618, after the date of the letter. However, the whole account is mixed.

According to some evidences, Yeardley, having recently

¹ See, also, the public letter to the lords of the Virginia Council just quoted.

married in Virginia, went over to England at this time with his bride. Other accounts give the date of his going over as 1617.

There was a great drought in the summer of 1618, which, with the hailstorm of the spring, cut short the crops of corn and tobacco. But as there were comparatively few unacclimated persons in Virginia, the sickness of the summer and early fall was not great.

The small quantity of ammunition had caused a strict proclamation for restraint of shooting away powder ; “ which forbidding to shoot at all in our peeces caused the losse of much of our corn then growing upon the ground ; the Indians perceiving our forbearance to shoot (as formerly) concluded thereupon that our peeces were, as they said, sicke and not to be used ; upon this not longe after they were boulded to presume to assault some of our people, whom they slew, therein breaking that league, which before was so fairly kept.” This has reference to the killing, stripping, and spoiling of Killingbeck, with four others, while trading with the people of Chickahominias ; four more at the house of Mr. Farfax, a mile from Jamestown ; and one or two more. There were ten killed in all. Opochankanough pleaded ignorance, but sent “ a basket of earth in token of the gift and possession of that Town where the murderers dwelt to Captaine Argall, desiring him not to revenge the fault of a few, which for fear of revenge were fled to the woods, on their innocent neighbors.” Argall was afterwards blamed in England for not revenging these murders. The real reason for his not doing so was a lack of powder.

The lord governor, De la Warr, who sailed from England on the Neptune, about the middle of April (N. S.), to make good his colony in Virginia, “ touched on his way thither at the Azores, where he was feasted and well used to seeming ; but the sickness and death of him and most of them that landed [about thirty] with him makes it suspected that they had ill measure.” They left the Azores

Islands early in May, and he died on June (or July) 17 following, over forty (or seventy) days after sailing. Camden, in his *Annals*, mentions the incident, but does not give the place of his death, nor state that "he was taken sick *a few days* after he left one of the Azores." Lorkin and Chamberlain state that he died on "his voyage to Virginia," and Salmon, that he died "at sea in his voyage," but neither gives the place of his death. Pory states that "he died in Canada;" Baker, and his widow, Lady De la Warr, that he "died in Virginia." Purchas says: [The ship] "departing from the Azores, they were *long* troubled with contrary winds, in which time many fell sick, thirtie died, one of which was that honourable Lord of noble memory. The rest refreshed themselves on *that* coast of New England, with fish, fowle, wood and water, and after sixteen weeks spent at sea, arrived in Virginia," about the 5th of August, seven (or three) weeks after the lord governor's death.

The Neptune left England with about 180 emigrants, and reached Virginia with about 150. The Treasurer, Captain Daniel Elfrith, which left England in May, arrived in Virginia soon after the Neptune, with Captain Henry Spelman and 30 others. These two ships were "set out at the charge of the Right Honorable the Lord Laware, his noble associates, and some other private adventurers." They are said to have "brought a most pestilent disease (called the Bloody flux) which infected almost all the whole colony. That disease, notwithstanding all our former afflictions, was never known before amongst us."

In 1623 there was a suit in progress before the high court of admiralty, regarding which the following fragment is all that I have found:—

"1623, The Earl of Warwick v. Edw. Brewster. Concerning the voyages of the ships Treasurer, & Neptune during 1617 & 1618.

"The Treasurer instead of carrying provisions & fishing tackle took arms & ammunition. She belonged to Capt. Samuel Argal of Virginia.

“The Neptune carried Lord de la Warre who had been appointed Governor & Captain General by the Counsel & Company of Virginia. He died 7 [O. S.] July [June?] 1618.

“The ships met on their voyage & eleven men were transposed from The Neptune to The Treasurer.”

Most unfortunately all the rest is torn away. The Virginia records seem to have fared no better in the high court of admiralty than elsewhere.

Owing to the death of Lord De la Warr it came to pass that there was some contention over his tenants and supplies, some time after they arrived on the Neptune, between Captain Edward Brewster (said to have been a son of Elder William Brewster, the Pilgrim Father), the old captain of his company in Virginia, and Governor Argall, resulting, on October 25, in the trial of Brewster by a court-martial, with Thomas Pasmore and John Lampkin as the chief witnesses against him. He was sentenced to death under the 32d article of the martial law of the colony; but, upon the petition of the ministers and others in the colony, the sentence was commuted to banishment, under oath not to return. He sailed from Virginia “near the beginning of November.”

The Neptune had brought the news “to the colony that great multitudes [including the Pilgrims?] were preparing in England to be sent, and relied much upon that victual they should finde here.” Whereupon Governor Argall called a council in Virginia, and wrote to the Council in England, at the return of the ship, “telling them the estate of the colonie,” the short crop of 1618, owing to the drought, etc., “and what a great miserie would insue, if they sent not provision as well as people.”

I have only abstracts from “the plantation letters” during Argall’s administration. He was accused of sending letters at this time into England “by which he so dispraised the country as to appear less fertile than the most barren arable land to be found ordinarily in the realm of England.

An assured way of discontent to all adventurers and planters from further proceeding. But this engine was broken by a commission sent unto Virginia [by Yeardley], from whence was returned, by examination upon oath, that the soil was most fertile and that slander of it most untrue." On the other hand, according to Smith's history, the letter stated that "what they did suffer for was want of skilful husbandmen, and meanes to set their Ploughs on worke, having as good ground as any man can desire, and about fortie Bulls and oxen; but they wanted men to bring them to labour and Irons for the Ploughs, and harness for the cattle."

A leading motive of Smith's history from first to last was to show that "the cause of the defeilement was only in the managing the business." Argall's administration is a turning-point in this history. Previously "the defeilement" had been with the management under Sir Thomas Smythe. Smith now begins to make the issue with the management under the last administrations of the London Company, and to favor "the opposition party."

The whole crop of tobacco for the year 1618, owing to the causes already stated, is said to have amounted to only 20,000 pounds.

Not long after the Neptune sailed for England, Governor Argall fitted up the Treasurer and sent her, according to his account, under Captain Daniel Elfrith to the Western Islands (the Azores) for salt and goats to supply the present wants of the colony; and as she was "a very weak ship Argall delivered the Master of ye ship a commission which he had receaved 2 yeares before [in 1616?] of my Lord of Warwick's procurement from ye Duke of Savoy," thereby "the better to procure the friendship of any French man-of-war he might meet, as a nation in league with the Duke of Savoy." The owners of the ship disavowed sending her to the West Indies, as well as her acts after leaving Virginia. On the other side it was said "the Treasurer was set forth by the Earl of Warwick and sent to Virginia

and an old commission of hostility from the Duke of Savoy against the Spaniards procured by some means and put into the hands of Captain Argall, the said Treasurer, being manned with the ablest men in the colony, and new victualled from thence, was set out on a roving voyage on the Spanish dominions in the West Indies." And thus from the beginning this voyage furnished cause for concealment and contradiction.

From December, 1606, to May, 1618, there were sent from England to Virginia, by the first company (1606–1609), 300, and by the Virginia Company of London (1609–1618), 1500; total, 1800. Of these about 100 had returned to England; about 1100 had died *en route* or in Virginia, and 600 were living in Virginia, according to the census, on December 28, 1618.

The magazine ship, called the William and Thomas, which left England in September, 1618, with Elder Blackwell and his people, arrived in Virginia either in January or March, 1619; there were, according to the different accounts, from 180 to 200 sent by the ship, and from 30 to 130 died *en route*, including "Mr. Blackwell and Mr. Maggner ye Captain." This ship brought the letters from the company to Lord Governor De la Warr and to Deputy-Governor Argall, in which Argall is severely taken to task for his acts in Virginia, for his letter sent by the George in June, 1618, etc. As the lord governor was dead, it is probable that both letters came to Argall's own hands. Copies of these letters were preserved in England, and they have been frequently printed. In justice to Argall, it should be noted that of the five signers all became satisfied after hearing his explanation, except Sir John Danvers.

The Gift of God, sent forth at the charge of the Society of Martin's Hundred, with about 250 people, arrived about the same time as the William and Thomas. On August 10, 1889, the late Rev. Philip Slaughter, D. D., historiographer of the Episcopal Church in Virginia, wrote to me as follows: "There are two old pieces of communion Plate,

which may be the oldest extant in Virginia. [He failed to state where they were, and I failed to ask him before his death.]

"1. A large cup inscribed *The communion Cupp for St Mary's church in Smith's Hundred in Virginia.*

"2. Another piece inscribed *The Gift of D & A to M^H P.*"

The first was for the church founded by Mrs. Mary Robinson in Smythe's Hundred. It was sent to Virginia prior to July, 1619, and probably at this time by the Gift of God.¹ The second was probably "The Gift of Dust & Ashes to Martin's Hundred Parish;" but, having only initials, there must be some doubt about it. This, also, may have come over at the same time. I believe that both pieces certainly reached Virginia in 1619. Sir John Wolstenholme was interested in both these hundreds.

Mrs. Mary Robinson was buried in October, 1618. Some time thereafter "a person unknown gave for the church founded by her a Communion Cup with a cover, and a Plate for the bread of Silver guilt, a silke damaske carpet, a linen damaske Tablecloth, and other ornaments, all valued at £20."¹

The records of the Society for Smythe's (afterwards Southampton) Hundred are missing, and we know little of its history; but the settlement was the first of the kind in Virginia. The organization was a strong one, owning ships, etc. And Captain (afterwards Sir) George Yeardley was for many years captain or commander of the hundred.

Captain Edward Stalling came from New England to Virginia in February or March, 1619, "where he was kindly

¹ After the death of Governor Yeardley, in whose charge they were, his widow delivered up to the Court at James City on February 19, 1628, the following: "Given by Mrs. Mary Robinson for the use of Southampton hundred church —

& two little chalices in a black leather cover.

"2. One yellow & blue cheiny Damaske Carpett with a Silke fringe.

"3. One White damaske Comunion Cloath.

"4. One Surplisse."

"1. One Comunion Silver guilt Cupp

received by Argall who was the readier to help him (with somethings needed), in regard of the good Argall wished to the business wherein he was imployed." Since his voyage in 1610, Argall had been an advocate of the settlement of New England.

On April 7, 1619, the governor issued the following proclamation : —

" To all to whom these presents shall come, I Samuel Argall, Esq., and principal Governor of Virginia, do by these presents testify, and upon my certain Knowledge hereby do make manifest the bounds and limits of *Jamestown* how far it doth extend every way — that is to say *the whole island*, with part of *the main land* lying on the East side of *Argall town*, and adjoining upon the said Island, also *the neck of land* on the north part, and so to the further part of *Archer's Hope* ; also *Hog Island* ; and from thence to *the four mile Tree* on the south, usually called by the name of *Tappahannock*, in all which several places of ground I hereby give, leave and license for the inhabitants of *Jamestown* to plant as members of the *corporation* and *parish* of the same. In witness whereof, I have hereunto set my hand the 28th day of March [O. S.] in the year of our Lord 1619, and on the 12th year of the plantation."

This was one of the means resorted to by the Warwick-Argall associates " to over-strengthen their party " afterwards complained of in the " Magna Charta."

The Council of the Virginia Company in England, against the protest of the fourth Lord Rich, prepared divers commissions for examining into the acts of, and proceeding against, Captain Argall, which were sent to Virginia by Sir George Yeardley to be executed by him. " So Lord Rich his friends and followers took a course to despatch a pinnace, called the *Ellinor*, from Plymouth to fetch away Captain Argall and his goods before the arrival of the said Sir George Yeardley and his commissions." This pinnace arrived in Virginia on April 16, and Argall sailed away in her about the 20th, leaving Captain Nathaniel Powell as deputy-governor.

Captain John Martin said that being somewhat cut off from the main, necessity had made the savages of the eastern shore more industrious than any other Indians in our bay. He said that the trade with these Indians was discovered not long before Sir George Yeardley came in "by my Aunchient [ensign] Thomas Savage and servants, when they saw at one time 40 of their great canowes laden with their commodities, and obtained a sufficient quantity of corn to relieve the colonists," who were then in want, owing to the failure of the crop the previous year on the mainland.

April 22, 1619, the Sampson, Captain John Ward, arrived with 50 emigrants, including Rev. Thomas Bargrave, a nephew of Captain John Bargrave (to whom the pinnace belonged), and of Dr. Bargrave, the dean of Canterbury. They made a settlement above Martin's Brandon, on what is still known as Ward's Creek. Captain John Bargrave afterwards claimed that this was the first private colony, or plantation, settled in Virginia; but this claim was denied by others.

[April ?] 27, 1619, Mr. Christopher Lawne's ship [Master Evans] arrived with 100 emigrants, sent out by Richard Wiseman, Nathaniel Basse, and others, to make a settlement at Warraskoyack. They settled on, or near, what is still known as Lawne's Creek. As this ship left England in March, it probably arrived in May, not April.

Much evidence remains relative to Argall's administration, but most of it was written after party feeling had become very bitter, and so we cannot rely upon it. It was then well known, however, that Virginia tobacco would pay enormous profits if suitable labor for working the crop in the sickly summer season could be procured. It was also known that the Spaniards had long used negro labor with success in their tobacco crops in the West Indies; that the negroes withstood the heat and climate of summer much better than Europeans, and so it may well be that Lord Rich and his associates, as it was afterwards charged

against them, were planning to secure large bounds of lands in Virginia, as well as to procure laborers from Guinea, and more skilled negro labor from the Spanish West Indies. They opposed the Smythe administration because it was not friendly to their plan, and aided in defeating it; but the Sandys party proved to be equally opposed to it; and so the whole scheme, whatever it was, could not be carried out, and may not be fully known.

The company parties ("the lords," "the merchants," and "the auditors") which were now forming were confined strictly to the company and colony; while the national parties (patriot and court) which had been shaping the political destiny of the Virginia colony from the first were not. It will be seen, however, that these divisions in the company were instrumental in placing the Virginia courts under the control of the patriot party, and it was this fact which finally caused the court party to attempt the annulling of the popular Virginia charters.

XXIII

ENGLAND, OCTOBER, 1618 — MAY 8, 1619

THE END OF SIR THOMAS SMYTHE'S ADMINISTRATION

THE news of Lord De la Warr's death reached London on October 15, 1618. It was probably brought by some ship returning from fishing on our New England coast, or by some private trading ship from Virginia. There is no record of one of the company vessels reaching England about this time. This news discouraged many; but the managers went on with their work.

October 24, Chamberlain wrote to Carleton of De la Warr's death, and telling that "the city is now shipping thither an hundred young boys and girls that lay starving in the streets; which is one of the best deeds that could be done with so little charge, not rising to above £500."

November 4, John Pory wrote from London to Carleton: "Capt. Yeardley *chosen* governor of Virginia in Lord De la Warr's place (who died in Canada); departs immediately thither with two ships and about 300 men and boys [and girls?]. The greatest difficulties of that plantation overcome." "They begin now to enjoy both commodity and wealth." Yeardley had been "nominated" for governor at a previous Virginia court, probably that of October 31. At a magazine court of the company on Monday, November 5, "it was ordered that the Magazin should continue during the term formerly prefixed, and that certain abuses now complained of should be reformed, and that for preventing of all Impositions save the allowance of 25 in the hundred profit, the *governor* shall have an *invoice* as well as the *Cape Merchant*, that if any abuse in the sale of the goods be offered, we, upon intelligence and due examina-

tion thereof, shall see it corrected. And for the encouragement of particular hundreds, as Smythe's hundred, Martin's hundred, Lawne's hundred, and the like, it is agreed that what comodities are reaped upon any of these general colonies, it shalbe lawfull for them to return the same to their own adventurers. Provided that the same comodity be of their own growing, without trading with any other, in one entire lump and not dispersed, and that at the determination of the joint stock, the goods then remaining in the Magazin shalbe bought by the said particular Colonies before any other goods which shall be sent by private men. And it was moreover ordered that if the Lady La Warre, the Lady Dale, Captain John Bargrave and the rest, would unite themselves into a settled Colony they might be capable of the same priviledges that are graunted to any of the foresaid hundreds."

Of course I cannot go into the details in this book, but it must be borne in mind that the treaty with Spain about the match between Prince Charles and the Infanta was proceeding, and that Sir Walter Raleigh's trial was under way at this time, which events had a direct bearing on the colonial movement. It may be also well to remember that "the Synod of Dort," which is said to have "made hell tremble," was in session.

On Wednesday, November 7, Sir Walter Raleigh was brought from the Tower to the King's Bench bar, where he gave reasons why the sentence pronounced against him at Winchester should not be put in execution. Notwithstanding which the judges willed him to prepare himself, and delivered him to the sheriffs of London, who conveyed him to the gatehouse, and the next morning "he was beheaded, in the old Palace at Westminster, 'twixt the Parliament House and the church," after a speech of more than half an hour made on the scaffold.

In October, 1618, Owen Evans, messenger of the chamber, while in Somersetshire pretended to have a commission to press maidens to be sent to the Bermudas and Virginia,

and raised money thereby. His proceedings bred such terror to the poor maidens that forty fled from one parish. On October 29, Sir Edward Hext, J. P., of Somersetshire, had him arrested, and, on November 23, sent him to London for trial, he being a servant of the king.

On November 20, one Robinson, sometime a clerk in an office, was arraigned at the King's Bench and condemned for counterfeiting the great seal. "Another course of his was by virtue of this counterfeited commission to take up rich Yeomen's daughters to serve his majesty for breeders in Virginia, or drive them to compound." He was hanged, drawn, and quartered near Charing Cross on November 23.

A grant of the sole trade in Guinea and Binney to the Governor and Company of Adventurers of London trading to Africa was under way prior to October, 1618 (at which time the *George* had returned from Virginia); it was stayed for a time, but finally granted on November 26, 1618, to Robert Lord Rich, Sir Robert Mansell, Sir Ferdinando Gorges, Sir Warwick Heale, and others. The chief object stated in the grant is "a trade for gold;" it contains no mention of negroes, slaves, etc., or of any privileges concerning them. They may, however, have intended (as charged against them) to trade in slaves, as this company contained men who were determined to contest the trade of Spain in the East and West Indies, — and the Guinea and Binney region was claimed by Portugal, which was then a part of the king of Spain's dominions. On the same day, November 26, a preparative court of the Virginia Company met, and on the 28th the Michaelmas term of the quarter court sat, at which Sir George Yeardley was "solemnly chosen" to be governor and captain-general of Virginia, to serve "onely for three years in certain and afterwards during the Company's pleasure. And twenty great shares were given him for transport of 20 persons, being 20 shares."

At this very important quarter court of November 28, 1618, Sir Thomas Smythe was the treasurer, with Sir Edwin

Sandys as his assistant, and Robert Johnson, deputy. Henry Fotherby was the secretary, and Thomas Newton was the beadle.

“I. The great charter of privileges, orders and Lawes, which had been previous drafted, and considered, was ratified, signed and directed to the Governor and the Council of Estate in Virginia.”

“II. The commission for establishing the Council of Estate and the general Assembly (two Burgesses out of every Plantation), wherein their duties were described to the life,” was similar to “An Ordinance and Constitution” given Wyatt in 1621, and I think that similar documents to both of the above had been previously given Lord De la Warr.

“III. Sundry Instructions” were also drawn up for the governor, council and colony, some of them at this court; but the whole of them were not completed, signed, and sealed, until the court of December 12, 1618.

These three very important documents directed to the colony will be further treated of in the Virginia chapters.

The date of the issuing of our first executed Magna Charta, November 28, 1618, is a most important one in our earliest history; and it was not then allowed to pass by without “a sign in the heavens.” On that night “a blazing star” appeared on high, and the superstitious world looked on with bated breath, believing that —

“Eight things there be a comet brings,
When it on high doth horrid range :
Wind, Famine, Plague, and Death to Kings,
War, Earthquakes, Floods, and Direful change.”

On December 4, James I., while at New Market, knighted the new governor of Virginia, in recognition of his past services in the colony, and, as Philip Mainwaring wrote to the Earl of Arundell, “had a long discourse with him about Virginia in which he proved very understanding. He told the King that the people of that country do believe in the resurrection of the body; and that when the body dies, the soul goes into certain fair pleasant fields [happy hunt-

ing grounds?], there to solace itself until the end of the world, and then the soul is to return to the body again, and they shall live both together happily and perpetually. Hereupon the King inferred that the gospel must have been heretofore known in that country, though it be lost, and this fragment only remains."

The Virginia Company with the contributions from the archbishops were now meaning to erect a college in Virginia, and the Rev. Thomas Lorkin was considering an offer to become a teacher therein.

December 8, 1618, John Pory wrote from London to Sir Dudley Carleton at the Hague. "No longer ago than yesterday the Council of Virginia (my Lord of Southampton, my Lord Rich, my Lord Sheffield, and my Lord Paget being present), did at the instance of Sir George Yeardley, the new elected Governor, choose me for their Secretary in Virginia. This Sir George Yeardley hath married my cousin German, and infinitely desires my company. So having done this office for me without my seeking, I entreated him he would also demand what allowance they would give me for my setting forth and what maintenance at my coming thither. At this demand he finds them as dry as Pumystones, which is the cause that I mean not to adventure my carcase in so dangerous a business for nothing. The Governor of himself hath proffered to make my means worth £200 a year at least, which I purpose to accept so he will allow me £50 to set me forth, and to-morrow night I am to receive my last answer. But (so my sufficiency were answerable) how happy should I be to be called into your Lordship's domestical service, in case I do not embrace this." . . . On the same day Chamberlain, also, wrote to Carleton telling him of the recent marriage of Sir Thomas Smythe's son to the Lady Isabella Rich, without his father's consent or knowledge, and "that two or three ships were ready for Virginia and Captain Yardley goes as governor and to grace him the more the King knighted him this last week at New Market, which hath

set him up so high that he flaunts it up and down the streets in extraordinarie braverie, with fowreteen or fifteen fayre liveries after him."

Yeadley had been a soldier in the Low Country wars. Pory says, "At his first coming to Virginia, besides a great deal of worth in his person, brought onely his sword with him; but while in London, together with his lady out of his mere getting in Virginia, he was able to disburse very near three thousand pounds to furnish himself for his return voyage."

Pory accepted the place of "Secretary of Estate," and says that he was "the first that ever was chosen and appointed by commission from the Counsell and Company in England, under their hands and common seal."

At the Virginia court, December 12, Lord Doncaster (James Hay) and John Pountis were admitted, and Pountis, who was preparing to go in his ship to Virginia, was given three shares. At the next court (December 19) the Earl of Bedford assigned a bill of adventure of £50 (four shares) to Sir Edward Horwood.

December 24, Sir Thomas Smythe, Sir Lionel Cranfield, Sir Dudley Digges, and others, were appointed the English commissioners to treat with the Hollanders for the peaceable ordering and establishing of the trade to the East Indies. They were to induce them to "join their stocks into one bank and treat out that trade and traffic together." Among the points for the commissioners to make was, "the good done by the English against the Spaniards in America, without maintaining an open war against them."

"Dec. 28th — The Virginia Council wrote Gov^r Yeadley that he was to return £500 for the 50 youths then sent by his Majesty's command." I suppose these to be the London boys already mentioned, or they may have been some of the followers of his court already sent by the king's command.

January 2, 1619, at a Virginia court, "Mr Edward

Lukin renouncing his prizes in ye Lottery is to have a bill of adventure for £25 — 2 shares."

On January 8, John Pountis, citizen and clothworker, of London, who owned about £127, "*stock in Virginia fishing*, being in haste about his journey for Virginia," made his last will.¹

January 22, 1619, a fire occurred at Whitehall, which destroyed all of the records and minutes of the Privy Council, from January, 1602, to May, 1613, inclusive. As this Council had a special supervision over Virginia matters from the beginning of the colony, many records of great value to us must have been destroyed by this fire.

January 23, "the King wrote from Newmarket to Sir Thomas Smythe, stating that the court had lately been troubled with divers idle young people, who, though twice punished, still continued to follow the court wherever it might happen to go, having no employment, and his Majesty, having no other course to clear the Court from them, had thought fit to send them to him, that at the next opportunity they might be sent to Virginia, and set to work there."

January 28, Sir Thomas Smythe wrote to the lord mayor, Sir Sebastian Harvey, sending to him the king's letter, and stating that "some of these persons had already been brought, by the *King's command*,² from Newmarket to London, and others were coming. The Company of Virginia had no ship ready to sail, and no means to employ them or place to detain them in, and he requested the Lord Mayor to authorize their detention and employment in Bridewell, until the next ship should depart for Virginia."

Although the ships had been ready for more than a month, Yeardley did not sail until the first part of January; he spent "much time upon our English coast," and sailed therefrom on January 29. The comet remained visible in the heavens until December 26, and it may be

¹ *N. E. Hist. and Genealogical Register*, 1895, p. 510.

² See December 28, 1618, p. 295.

that it was thought best not to sail until after that baneful influence had passed away. The Sandys party afterwards asserted that Lord Rich was the baneful influence.

February 9, Sir Thomas Smythe's house, at Deptford, was burnt to the ground, and doubtless valuable Virginia records went with it.

February 13, Hilary term, quarter court, sat, at which "the Indenture [Patent] to Sir W. Throckmorton, Sir George Yardley, Richard Berkeley, George Thorpe and John Smyth of Nibley, for plantation [Berkeley hundred] in Virginia," was ratified.

February 28, joint letter from Sir W. Throckmorton, Richard Berkeley, George Thorpe, and John Smith, to Sir George Yeardley, governor of Virginia, offering him a fifth share in the ship¹ they were then sending, at that moment "kept wind-bound in Ireland." "Since your departure . . . we have procured our patent for plantation in Virginia (a copy whereof we herewith send unto you written by *the Virginian boy*² of me, George Thorpe)."

There were evidently many "private men" now interested in the plantation. Before the death of Lord De la Warr was known in England, Lord Zouch and others proposed to send Captain Andrews, in the *Silver Faulcon*, to Virginia; "first, to leave certain people in the country upon the charge of the joint stock there to plant Tabaco and corn for their use and to exchange commodities with the English Colonie. Secondly, to discover and trade with the savages for furs, etc. Thirdly to fish upon the coast of Canada [New England] and to carry the said fish, being salted, into Virginia to change it for commodities with the people in the countrie there."

The report of Lord De la Warr's death discouraged some who had promised to adventure money, and deterred others who had offered to go in person in this "projecte" (which infringed the rights of the Virginia Company under their charters); but Captain Andrews, and Jacob Braems, a mer-

¹ What ship?

² Was this the first educated Virginia Indian?

chant of Sandwich and Dover, were willing to engage to supply all deficiencies if Lord Zouch, "Lord Warden of the cinque Portes etc," would "set such a course as might save them from ruining their estates." They wanted protection from "ye Virginian Monopolists." They did not wish the company to exclude them from trade in "Tabaco," sassafras, or anything else. Now that the colony was planted, the company wished to get back some of the money expended thereon, while others (especially the lords) were anxious to reap the fruits of their labor (of the merchants). Andrews and Braems wrote to Lord Zouch: "Now if by your Lordship's means (upon whose goodnes and protection our hopes under God wholly depend) we may upon faire conditions enjoy the previledge of *free Trade* and Plantation. Whereof at your Honnors pleasure ye whole Ports may herafter make to your Lordship and themselves a continuall benefit. We nothinge doubt but to geve your Honor so good an account of our present Endevours and Industrie as shall encourage your Lordship to approve of our service, and to set forward our hopefull and future adventures and undertaking."

The exact result of this project does not appear; but on February 25, 1619, Edward Lord Zouch and "cunstable of the castle of Dover, Lord Warden of the Cinque Ports tow ancient townes and their members and Admiral of the same," issued his warrant "To all to whom these presents shall come," giving notice and testifying, "that John Fenner gent. who I have made Captain of my pinnace the Silver Falcon and Henry Bacon master of the same are by God's assistance to pass into Virginia to make trade there both with ower countrymen there planted, and with the savages of those parts for the better imployment of the said Pinace as also to sett ower Marine men on work and to draw trade unto the Ports where the people there doe want imployment. These therefore are," etc. "to permit the said pinnace, captain, master, and loading, to follow their affairs, pass, etc."

I do not know that this ship went to Virginia, but I think it did; the voyage was for private trading, and there was not apt to be any further record about it unless it "got into court." The following vessels, however, left England about this time: "the Ellinor, a pinace," sent by Lord Rich for Argall; "the Sampson that Capt. Ward went in with 50;" and "the Edwin, George Bargrave Capt, with 50," in February; "Mr. Lawn's ship with his plantacon nere upon, 100;" and "Jno. Powntis his ship, with 50," late in March. There is reason to think that other ships besides those mentioned sailed during this winter and spring.

February 23, 1619, Sir Thomas Lake was dismissed from the secretaryship, and on the 26th Sir George Calvert was appointed in his place.

March 8. East India court. "Leave to the Va. Company to sell by the candle 1000 weight of tobacco in rolls."

March 14. Virginia court. "Mr Joseph Man assigned 3 shares to Sir Nathaniel Rich."

March 15. East India court. "Virginia wheat called maize, much commended for an excellent strong meat, and hearty for men at sea, and more wholesome than beef; the Virginia company to be desired to procure some for trial by the next shipping."

March 22. East India court. "Alderman Johnson desiring to borrow four minions for the use of the Virginia Company, acknowledged they owe for four demiculverins which have been long due. If they may have these both Mr Governor (Sir Thomas Smythe) and himself will use the best means to procure satisfaction for the old from the Virginia Company — and undertake for the satisfying of these four. Ordered that Mr. Salmon deliver them four minions, if this company have any to spare."

The customs free period mentioned in the letters patent to the Virginia Company had now expired.

March 25, Sir Thomas Dale wrote from Jacatra to Sir Thomas Smythe, stating, among other things, "that he

should be glad to hear how Virginia prospers and his own business goes forward there." He expected to return to Virginia after his return from the East Indies; he owned lands in Virginia, which passed at his death to his widow, Lady Dale.

March 27. Virginia court. "Mr John Taverner allowed one personal share of 100 acres. Sir Wm. Smith passed 2 shares to Mr Nicholas Ferrar."

March 12, or 14, Queen Anne died. On the 29th, James I. was taken ill, and continued so until April 21, when the bishop of London preached at Paul's Cross, before a great audience, a thanksgiving sermon for his recovery.

April 16. East India court. "Capt. Daniel Tucker and Capt Samuel Argall who have been employed to the Somers Islands and Virginia were both recommended to be considered of (for employment by this company) when convenient time shall be." On the same day the Ellinor arrived in Virginia, to bring Argall away. "Padre Maestro," Gondomar's father confessor, knew of the acts of the Treasurer in taking a Spanish ship in the West Indies prior to May, 1619, and it is quite probable that Tucker's and Argall's friends now wished to find them employment in the East Indies for the purpose of getting them out of the way for a time.

April 13, Richard Berkeley (and 20th, Sir W. Throckmorton) wrote to John Smith recommending William Chester (a kinsman of Berkeley's) for their chief or commander of their men in Virginia.

In the spring of 1619, the English church at Leyden were at last ready to commission Brewster and Cushman to go to England, close the agreement with the Virginia Company, and obtain a patent for them in Virginia; but when they arrived they found the company in the midst of great political excitement incidental to the approaching annual election of officers at their Easter term quarter court. And, therefore, their application was deferred until after the election.

Public questions (as free trade, protection, etc.), which naturally divide the mind of the public, together with several questions relative to the Virginia business proper, had divided the company into parties, and party spirit was now growing warm.

At the preparative court held on Monday, May 6, the following "committee was appointed for the setting down the severall offices belonging to the Virginia Company," to be chosen at the next quarter court, namely, "Sir Edwin Sandys, Sir Ed. Harwood, Sir John Wolstenholme, Sir Nathaniel Rich and M^r Alderman Johnson." They met the next day, indicated the said officers, and passed the following resolution describing their particular duties, called "The standing order concerning the duty of each particular officer."

"The severall officers, whose offices we conceive fit to be particularized, are these, The Treasurer — The Deputie — The Counsell — The Committees — The Auditors — the Secretary — The Booke Keeper for accompts — The Husband and the Bedle. There is, also, a Cashier who is immediately the Treasurers servant, and by him chosen, howsoever, as yet the Company hath given him a yearly salary of £40.

"*The Treasurer* in regard of his office we conceive to be of a double capacitie — 1st as Governour — 2nd as Treasurer — His duty — to appoint ordinary courts and to assemble extraordinary as occasion shall serve — In all such Assemblies himself shall hold the place of President and Moderator.

"He shall have only a casting voyce —

"That no man may be present when anything is treated of which concernes himselfe.	"All proposition made by any member of ye Company, he shall either put to ye question, or if their be any opposition, then shall he understand the mind of ye Court by demanding of them whether it shalbe put to the question or no ; and as ye greater part shalbe so shall
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he proceed. And if he refuse, to loose his office and be made incapable for ever after — and then ye Deputy to do it, if he refuse to loose his place, and any of ye Counsell to do it —

“To assemble ye Counsell upon all weightie occasions — To do his best that fit men be chosen ; that they take their oath ; that by their advise ye Lords of ye Privy Counsell may be acquainted with businesses of greatest importance, such especially as concerns ye state in generall.

“To have care that fit committees according to ye contents of these [their?] Patents be chosen and sworn ; and keep their Courts as occasion requires. That ye Treasurer shall ask an accompt to be rendred in open Court by all Committees which shalbe upon particular occasions designed. That he may if he will be present at ye meeting of any committee, provided that it concern not himself.

“He shall suffer no Patent to pass which hath not been first considered of and examined by a particular select committee and ye same reported to ye court under their hand. As Treasurer he is to stand charged with ye publick Treasure of ye company and to be carefull to call in all moneyes and debts which are due payable by or due to ye Company. Not to issue it but by warrant such as ye Court shall allow of. To yeald up a true and perfect accompt (of course) at their and his year’s end. Which accompt shalbe presented to ye auditors to be by them examined 14 days before ; and upon all occasions being required by ye auditors to shew ye state of ye Cash. That is to say what moneyes have been received, paid and rendered. That he shalbe particularly sworne to yeald a just and true accompt.

“In regard ye Lotterytes are determined and so ye Cash like to be little. The reward of ye Cashier to be referred to ye last Quarter Court which upon ye passing of ye Treasurer’s accompt shall give order of a reward convenient to ye pains, which it shall appear ye said Cashier hath taken for that year.

“ It was conceived in generall that ye Governor and Deputie do not continue in his place and office for above 3 years : and that for these reasons —

“ 1. That ye burthen thereof may not always rest upon one.

“ 2. For that the change may be made without touch or imputation to any that hold those places.

“ 3. To avoid too much dependance.

“ 4. To breed up more men fit for ye place.

“ *The Deputy.* In ye Treasurer’s absence to perform his office for all matters of Court and Counsell which do concern ye Treasurer as Governor. And with his presence to assist him. That ye Deputy shall oversee ye Secretary and cause him to enter ye orders and resolutions of ye court according as shalbe agreed upon by ye Court and see that ye said Books be fairly engroced, and *all letters to and from ye Company to be registered* ; and to see that such letters as shallbe ordered by ye court for ye publick may be drawn and prepared for ye court. Generally to oversee all inferior officers perform their duties. The Deputy to have a speciall charge of ye committees. To keep the Court of Committees upon all occasions. To Suffer no warrants to be made and signed for issuing of money but in ye open Court of Committees after examination of ye cause.

“ *The Counsell.* That a Register of ye Counsell be kept and read every Quarter Court, that they may be required to attend, and if there be any want, then to be supplied with such men of qualitie and sufficiency as will attend that service. That they may be warned all to come and take their oaths, and their chief care shalbe to-gether with ye Treasurer or his Deputy to make orders, and Laws for ye well ordering of ye Company here and ye Colony there in Virginia.

“ *The Committees* [16 members]. That every year 6 new shalbe chosen and 6 of ye old dismissed. To deal in all businesses of buying and selling for ye company —

hiring and furnishing of ships that are imployed for ye company and providing of all necessities, etc, to be sent to Virginia, and to regard the bestowing and safe keeping of such commodities as shalbe returned thence, to be laid up where ye company shall appoint. In generall faithfully to perform such things as shalbe committed to them by ye Governor, Deputy, and Company. That they be carefull to appoint 2 or 3, at least among themselves who shall always be present at ye buying of all provisions for ye company by ye Husband and that no prices be agreed upon without such consent, etc.

“*For ye Auditors.* It is referred to Sir Edwin Sandys to propound such rules as he holds fit to be observed in ye execution of that office, for that he hath been long acquainted with it.

“*The Secretary.* This is referred to an order of Court already made for that purpose which is to-morrow to be presented to ye Lords and if occasion be to add or change. The Secretary’s wages £20 pr annum.

“*The Bookkeeper.* The bookkeeper shall receive his charge from ye auditors and receive . . . Salary at ye year’s end as ye auditors shall find his pains to deserve. This officer is to be sworn to deal justly and truly in his place, to conceal nothing that may serve for ye clearing of ye accompts. [His wages had been £50 per annum.]

“*The Husband.* The Husband being sworn — Is to be directed in his office by ye Treasurer, Deputy and Committees to keep his accompts exactly and to bring them in first to be allowed by ye Deputy and Committees or under ye hands of 3 or more of them and then to be presented to ye Auditors. His wages £50 pr annum.

“*The Beadle.* To be at the command of the Treasurer, Deputy and Courts: wages £40 pr annum.

“*Generall Consyderacons.* 1. That all officers be sworne.

“2. That at ye year’s end the Treasurer shall deliver ye state of ye plantation & the auditors ye state of ye Cash

& accomptes — and having so done shall with draw themselves : that himself or a new be chosen.

“3. That the Treasurer and Deputy of the Company, Governor and all principall officers in Virginia, to be chosen by ye ballating box and it is thought fit if these consent to provide one against to-morrow.

“*The Oath.* You shall swear to be true and faithfull to our soveraigne Lord the King his heirs and successors ; you shall truly and faithfully perform all matters belonging to *that* office so much as shall lie in your power, unless you shall have a lawfull and justifiable excuse or be otherwise dispensed with by a general Court : you shall give up a true and just accompt of all such moneys and goods belonging to the company, or to the Colony of Virginia as shall come to your hands according to the order of the Company.

“You shall practise no hurt or danger to ye plantation of Virginia nor suffer it (what in you lies) to be done by any other, but shall hinder or discover it (to ye Governor, or Deputy, or to some one or more of ye Counsell) to ye utmost of your power. So help you God.”

In September, 1618, after the letters from and the complaints against Governor Argall reached England, Sir Thomas Smythe, Alderman Johnson, and others wrote to Lord De la Warr to proceed against Argall (Robert Lord Rich's partner), and after the news of Lord De la Warr's death, they were instrumental in having a new governor (Yeardley) sent to Virginia, to examine into the said complaints.¹ As a consequence of these and other proceedings, Lord Rich was instrumental in organizing a party to oppose “the merchants who then swayed the Va. Courts.” This party (called “the lords' and gentlemen's party”) pursued with great earnestness the displacing of Smythe and Johnson (“the merchants' party”) from the govern-

¹ It seems well to remark here that there was a family connection between Smythe and Argall ; but no blood kin, unless remote.

ment, and, coöperating with the Sandys party (called “the auditors’ party”), they succeeded accordingly. That is, they removed Johnson, but Smythe retired voluntarily.

The Easter term quarter court met, as these courts had previously done, at Sir Thomas Smythe’s house in Philpot Lane, May 8, 1619. The old treasurer (Sir Thomas Smythe) “desired the court to proceed to the choice of their officers, signifying that for these twelve years he hath willingly spent his labour and endeavours for the support thereof; and being now appointed by the King a commissioner of his Navy, he could not give such good attendance as he therein desired; requesting the court to shew him so much favour, as now to dispense with him, and to elect some worthy man in his place, for he had resolved to relinquish it, and therefore desired that two requests might be granted him for all his service done unto them, First, that he might have their good report according as he hath deserved: and secondly that his account might be with all speed audited, that before he died, he might see the same cleared and receive his *Quietus est* under the Company’s Seal.” The court finding his resolution to be settled, and that he would not stand in election, proceeded according to the last standing orders, now read and approved, to make choice of their treasurer. They used a “balletting box,” said to have been brought in by Captain John Bargrave. Sir Edwin Sandys, Sir John Wolstenholme, and Mr. Alderman Johnson were placed in nomination and accordingly balloted for. The lot fell to Sir Edwin Sandys to be their treasurer, he having 59 balls, Sir John Wolstenholme 23, and Alderman Johnson 18; whereupon his oath was administered.

“Upon the absence of Sir Thomas Smythe the Court was moved by Sir Edwin Sandys, now Treasurer, that in consideration of the great trouble mixed often with much sorrow which Sir Thomas Smythe had endured, during the term of twelve years past from the very infancy of the plantation to this present, and had now surrendered up his

place at such time as (by the blessing of God) there was hopes that the action might proceed and prosper if it were followed with care and industry requisite for so great a business: that, therefore, in some sort according to their abilities it were fitting to express their thankfulness for his good endeavours in conferring twenty shares upon him; which being put to the question, it was agreed he should have twenty great shares, and they were confirmed unto him by a general erection of hands." And thus the administration of the company in England for the affairs of Virginia by Sir Thomas Smythe came to an apparently pleasant ending. But party spirit was already at work. Ever since 1609 Smythe had been chosen annually as treasurer, because he was regarded as a patriot; it was now asserted that he had become "involved with the court and Spanish party," and Wodenoth says that it was this "which brought on his casting out and the establishing of Sir Edwin Sandys as Treasurer and Governor of the Company." There is probably some truth in this, as Smythe had been appointed one of the commissioners of the royal navy on July 3, 1618; and we shall hereafter find him affiliating with the party that Wodenoth called "the court party." Then as now for some private or public reason members of one party sometimes went over to the other.

XXIV

VIRGINIA, APRIL,—NOVEMBER, 1619

*SIR GEORGE YEARDLEY, GOVERNOR, ESTABLISHING THE
COLONY UNDER A POPULAR FORM OF GOVERNMENT*

SIR GEORGE YEARDLEY left England in the *George* on January 29, 1619 (in which ship there died, *en route*, 14 landsmen and 3 seamen), and arrived in Virginia with our *Magna Charta*, etc., April 29, following. Three ships arrived near the same time, namely, the *George*, with about 100; the *Diana* (left England with the 100 children from London), with about 80; and the *Edwin*, Captain George Bargrave, with 30. (Captain John Martin, Sir George Yeardley, Gilbert Peppett, Lieutenant St. John, Captain George Bargrave, Captain John Bargrave, and Luke Boys, became involved in a long suit over "a fowling peice" that was brought in the *Edwin* at this time.)

When the governor reached Jamestown he found "the plantation to be in a great scarcity for want of corn." The old planters in their "Brief Declaration" give a very gloomy view of the condition in which he found the colony; but this was for a party purpose. "For Forts, Towns and Plantations, he found these: James Citty, Henrico, Charles Citty and Hundred, Shirley Hundred, Arrahattock, Martin Brandon and Kicoughton." "Also Paspahayes or Argall Guift, Coxen Dale and the Maine. At Jamestown there was a church of Timber, fifty foot long and twenty foot broad, and another church at Henrico. Three authorized ministers and two who had not received orders. For people about the number of four hundred, in great want," etc. On the other hand, Sir Edwin Sandys gives a glowing account of the way "the private plantations" had

flourished, saying, "at the coming away of Capt Argall at Easter, 1619, there were persons in the colony near one thousand ;" but "the estate of the public" (the company) "was gone and consumed." The number of people given by Sandys is evidently about correct.

When Yeardley arrived he found a pinnace, belonging to Sir Ferdinando Gorges and commanded by Captain Edward Stallings, riding at anchor in the river ; soon after this she was suffered to run aground in Bowyer's Bay, where she was unloaded by the help of the longboat of the *Diana*, floated, and then carried into Southampton (Hampton) River. Here Stallings left her with only a boy, taking the rest of his men to row him up the river. He landed at Dancing Point, where he had a private quarrel (duel?) with Mr. William Epes, in which he was slain, his men and boat going on up to Martin's Brandon. The governor, hearing of these things, sent Captain George Bargrave and John Dameron to take the said men and boat and go to Kecoughtan, and taking Captain William Tucker, the commander there, to assist them in preserving the pinnace and loading for Sir F. Gorges ; "but it sunk ere the boat could get down." Captain John Martin employed five of Stallings' men ; one, named Stoaks, entered the public service, and the rest returned to New England, or Canada, as Yeardley called it. The governor afterward settled with Ellis Cornish, the agent of Sir F. Gorges, for his losses.

The equal and uniform kind of government which the managers of the movement had agreed upon at the Michaelmas ("St. Michael and All Angels") term of their quarter court, in 1618, consisted of "Two Supreme Councils :"—

"I. The Council of State, which was to consist, for the present, of the Governor and his Counsellors," elected by the company court in England.

"II. The General Assembly, which was to consist, for the present, of the aforesaid Council of State and two Burgresses chosen out of each Town Hundred or other particular Plantation," by the people in Virginia.

As the laws, etc., of Virginia were required to conform, as nearly as may be, to the laws of England, this new form went as near to the government of Geneva as could well be expected.

“Sir George Yeardley to begin his government *added* [?] to be of his Councill Capt. Francis West, Capt. Nathaniel Powell, Master John Pory, Master John Rolfe, Master William Wickham and Master Samuel Macock.”¹ I suppose these to be those named in the commission brought from England by him, as the Council were appointed in England and not by the governor, and as most of them were members of the old Council. If so, it would seem that Captain Ralph Hamor, vice-admiral, and Captain John Martin, master of the ordnance, were omitted. John Pory was secretary of estate under the new government, somewhat similar to “Secretary and Recorder,” the position held by John Rolfe under Argall.

Stith (p. 157) says : “Mr. Rolfe’s commission was either now expired ; or else, as I rather believe, he had given offence to the company, and was turned out of his place of Secretary. And this, I find some Reason to suspect, proceeded from his too great submission and subserviency to Captain Argall’s male practices. But however that was, the Earl of Warwick obtained that place from Sir Thomas Smith, for Mr. John Pory,” etc. The company records state that Lord Rich recommended Pory, and he was a friend to that Lord ; but it seems quite certain that he was sent at the request of the governor (Yeardley), who had married his first cousin. The place was not in the gift of Sir Thomas Smythe ; nor was the Earl of Warwick (Lord Rich), then on friendly terms with him.

To obtain needed victuals the governor soon sent Captain John Martin, Ensign Rossingham, Ensign Harrison, and others, in the shallop, to trade for corn with the Indians on the eastern shore, and Captain John Ward, in the Sampson, to fish on the New England coast.

¹ Arber’s *Smith*, p. 540.

The magazine ship (the William and Thomas) was sent back with the tobacco crop of 1618, and other commodities of less moment, and with "a packet of writings from Abraham Peirse, the cape-merchant, containing a general letter to the adventurers, an invoice of goods now sent, a bill of lading, a note of such goods as the country standeth in need of, an invoice of the goods which were laden by the George in 1617, with an account of the same goods, etc. He wrote that he was "overcharged with abundance of needless commodities, and wanted ploughs and other necessities, which he had often writ for," etc.

The Gift of God left about the same time with letters from the governor to the Council in England. He wrote them of his voyage, of the condition of the colony, etc. He told them of the scarcity of food, but that he had already taken steps to supply this deficiency; that he intended planting a large crop of corn and "something neglecting the planting of tobacco;" of the public servants, etc.; some *private* matters — matters to be kept private — "there was a constant report in Virginia," he wrote, "and that not without many apparent probabilities, that the ship [the Treasurer] was gone to robb the King of Spayne's subjects by seeking pillage in the West Indyes and that this was done by direction from my Lord of Warwick." He also sent the reports of the commission contradicting the charge of the barrenness of the country, etc.

Smith's history states that in May came in the Margaret, of Bristol, etc.; but this must be a mistake. The reference may be to the Marygold, which, according to Hotten's Lists, arrived in May; but this is doubtful. Late in May or early in June, the George was sent to Newfoundland; in her went the cape-merchant, Abraham Peirse, with tobacco to trade for fish. It may be mentioned here that the cape-merchant, in his letter just sent to England, had asked for the right "to sell commodities as he can [without having prices fixed for him], and as is usual in free trading."

The governor had now brought other things into shape, and was ready to take up his "general instructions for the better establishing of a Commonwealth." He issued a proclamation: "That all those that were resident here before the departure of Sir Thomas Dale [April, 1616] should be freed and acquitted from such publique services and labours which formerly they suffered, and that those cruel laws by which we had so long been governed were now abrogated, and that we were now to be governed by those free laws which his Majesties subjects live under in Englande. . . . And that they might have a hand in the governing of themselves, it was granted that a General Assembly should be held yearly once, whereat were to be present the Governor and Counsell, with two Burgesses from each Plantation *freely to be elected by the inhabitants thereof*; this Assembly to have power to make and ordaine whatsoever lawes and orders should by them be thought good and proffittable for our subsistence."

Still all was not plain sailing. Robert Poole, interpreter, reported to the governor "certain misdemeanors" of Captain Henry Spellman at Opechancanough's court. Poole charged that "he spake very unreverently against Yeardley, and informed Opochancano that within a year there would come a Governor greater than this that now is in place," — that is, "the Earl of Warwick himself in person, that, Captain Argoll would be his pilot, and then he would call Sir George Yeardly into like question and examination for his own government." The examination of Poole was sent into England in the *Prosperous*, which sailed from Virginia prior to August, 1619. Spellman had recently returned from England in the *Treasurer*, Argall's ship, and was one of the Argall party.

The Trial is said to have come in with corn and cattle on July 5. This, I think, was John Pountis' ship; if so, there were fifty emigrants on board; but there is confusion in the accounts of the arrivals of the ships in Yeardley's first year. Captain Ward returned in the *Sampson*

from New England in July. The George returned from Newfoundland, and Captain John Martin from the eastern shore about the same time, all bringing something to add to the general store. Yet party spirit was running high, not only in the company, but in the colony also, and Martin was afterwards summoned before the General Assembly, where he was reproved for some acts of his against the Indians on this voyage. Rossingham, Pory, and others, afterwards sustained Martin. One has constantly to regret the party controversies in the colony; yet I do not know that they were any more bitter then than now.

In order to establish one equal and uniform kind of government over all Virginia, such as may be to the greatest benefit and comfort of the people, each town, hundred, and plantation was to be incorporated into one body corporate (a borough), under like laws and orders with the rest; and in order to give the planters a hand in the governing of themselves each borough had the right to elect two burgesses to the General Assembly. These plantations were located in four large corporations or general boroughs which were laid out as follows:—

I. The City of Henricus included Henrico (Farrar's Island), extending thence on both sides of James River to the westward, the pale run by Dale between the said river and the Appomattox River being the line on the south side.

II. Charles City. From the said pale, including the neck of land now known as Jones Neck, eastward, down James River, on both sides, to the mouth of the Chickahominy River.

III. James City extended down on both sides of the river, with the same bounds near the river as the present James City and Warwick¹ counties on the north side, and as the present Surry and Isle of Wight counties, or it may have extended to the Elizabeth River on the south side, as the south bounds are not definitely stated.

¹ Afterwards formed, and named for the Earl of Warwick.

IV. "The Burrough of Kiccowtan" extended from James City corporation to the bay.

All settlements were then on, or near, James River.

The following "towns, hundreds and plantations" elected burgesses : —

I. The corporation of Henricus was then only one "borough," the old planters at "Arrahattock," "Coxendale," and "Henrico," uniting, elected Thomas Dowse and John Polentine.

II. The corporation of Charles City contained five boroughs which chose burgesses ; but those from Martin's Brandon (Mr. Thomas Davis and Mr. Robert Stacy) were not allowed, thus reducing the number to four : —

1. The old plantations of Bermuda Hundred, Sherley Hundred, and Charles City uniting elected Samuel Sharpe and Samuel Jordan.

2. Smythe's Hundred elected Captain Thomas Graves and Mr. Walter Shelley.

3. Flowerdieu Hundred elected Ensign Edmund Rosingham and Mr. John Jefferson.

4. Captain Ward's plantation elected Captain John Ward and Lieutenant (John) Gibbs.

The last three boroughs were new plantations ; the last two having been just settled.

III. The corporation of James City, also, contained four boroughs : —

1. James City elected Captain William Powell and Ensign William Spence.

2. Argall's Gift elected Mr. Thomas Paulett and Mr. Edward Gourgaing.

3. Martin's Hundred elected Mr. John Boys and John Jackson.

4. Captain Lawne's plantation elected Captain Christopher Lawne and Ensign Washer. The last two boroughs were new plantations recently settled.

IV. The corporation of "Kiccowtan" was then only one borough, which elected Captain William Tucker and William Capps.

It may be that the people “buildd better than knew.” However that may be, result proves this election to have been one of the most important events in one of the most important movements in modern times, and it is greatly to be regretted — whatever the cause — that it had no historian to chronicle events fully and fairly. The election took place after the return of Ward and Rostingham; but I have been unable to find anywhere the exact date, or any particular account of these first elections in which this nation for the first time exercised the right of suffrage and took a hand in its own government. As the burgesses were “chosen by the inhabitants of each town,” I infer that suffrage was general; as “all principall officers in Virginia were to be chosen by ye balloting box,” I suppose that they were voted for by ballot; and that there were parties in Virginia is certain. But were opposing candidates placed in nomination? Did the Warwick party fuse with the Sandys party against the magazine (or merchant) party in Virginia as they did in England? Probably not. We do not know, and it is useless to imagine; yet this is one of those points in our history which inspire the imagination to take wings and soar.

“The Council of State” was organized soon after the governor’s arrival, since when the colony had been under its government.

“The General Assembly,” the first popular representative legislative assembly ever held within the limits of the present United States, convened at Jamestown on Friday, August 9, 1619; and every member thereof had been sent to Virginia under the administration of Sir Thomas Smythe.

“The most convenient place we could finde to sit in was the Quire of the church.” This I suppose to be the same church (since repaired, it may be) in which Lord De la Warr sat in 1610, although it is variously described at from 50 by 20 feet, to 60 by 24.

“Where Sir George Yeardley, the Governour, being sett downe *in his accustomed place*, those of the Counsel of

UNDER THE COMPANY

He sat next him on both handes, excepte onely the Secretary, then appointed Speaker, who sat right before him ; John Twine, clerk of the General Assembly, being placed next the Speaker ; and Thomas Pierse, the Sergeant, standing at the barre, to be ready for any service the Assembly should commaund him."

" But forasmuche as men's affaires doe little prosper where God's service is neglected, all the Burgesses tooke their places in the Quire till a prayer was said by Mr [Richard] Bucke, the Minister, that it would please God to guide and to sanctifie all our proceedings to his owne glory and to the good of this Plantation.

" Prayer being ended, to the intente that as we had begun at God Almighty, so we might proceed with awful and due respecte toward the [his?] Lieutenant, our most gracious and dread Sovereigne [James I.], all the Burgesses were intreated to retyre themselves into the body of the Church, which being done, before they were fully admitted, they were called in order and by name, and so every man (none staggering at it) tooke the oathe of Supremacy, and then entred the Assembly." The Council had been previously sworn.

The first business before the Assembly was to decide who were entituled to sit as members thereof. Exceptions were taken to the burgesses from Captain Ward's plantation and from Martin's Brandon. Those from Ward's were seated, but it was declared unfit for those from Brandon to have place in the Assembly unless, " our very loving friend Captain John Martin, Esquire, Master of the ordinance," would relinquish certain privileges which had been granted to him in his patent. This, Martin refused to do, saying " that he would not infringe any parte of his Patente." This was the earliest contest in the colony on charter rights, and it continued to agitate the colony and company for years. This patent was much more liberal than those granted to others, and was naturally objected to by them ; but Martin was " educated to the law ;" he

knew his rights and, knowing, dared maintain them. He was the only member of the original first Council now living in Virginia. He said, "I hold my patent for my service don, which noe newe or late comer can meritt or challenge." The case against the burgesses from Ward's was really stronger than that against Martin's; but there was evidently "wire pulling" from the first.

The General Assembly as finally constituted consisted of the governor, at least six councilors (probably more; I have not their commission, but Wyatt afterwards had nineteen), and twenty burgesses. The governor had the veto power.

The speaker, John Pory, was not a burgess, but of "the Council of State" and, as such, a member of the General Assembly. He had been a member of Parliament for Bridgewater, 1605-1611, and was a Master of Arts of Cambridge. "To their great ease and expedition he reduced all matters to be treated of by the Assembly into a ready method." Having delivered in brief the occasions of their meeting, he first read the commission for establishing the new form of government, and then "the Greate Charter."¹ The business to be considered was divided into "fower severall objects, namely: —

"First, the Great Charter of orders, lawes and priviledges;

"Secondly, which of the Instructions given by the Counsel in England to my lo: la: Warre, Captain Argall, and Sir George Yeardley, might become lawes;

"Thirdly, what lawes might issue out of the private conceipte of any of the Burgesses, or any other of the Colony; and

"Lastly, what petitions were fit to be sent to England."

The Great Charter was divided into four books or divi-

¹ There are several omissions in the copy of this instrument as preserved in the Randolph MSS., and in the *Virginia Historical Magazine*, vol. ii. pp.

154-165. I have used the original copy in the Law Library of Congress, in which there are also some omissions. The original has not been found.

sions which were referred to committees,¹ "because this great Charter is to binde us and our heyers for ever." And "it pleased the Governour for expedition sake to have the second object of the fower [what instructions should become laws] to be examined and prepared by himselfe" and the burgesses who were not on the aforesaid committees.

The Assembly went to work very nearly on the same lines which have been followed by many subsequent general assemblies.

The committees made their final reports on the Great Charter on August 10. The first division related to the determination for setting a laudable form of government in Virginia; to easing the inhabitants from taxes by laying out public lands for support of officers, in lieu of wages; etc. On this book the committee petitioned that the said lands might not infringe upon lands previously granted to the ancient planters by former governors.

The second division related to forming boroughs; reducing the plantations into four chief boroughs in which the adventurers and planters who came at their own cost before the coming away of Sir Thomas Dale, etc., should have on the first division of land 100 acres for each personal adventure and for every single share of £12 10s paid; and those sent in that time (prior to April, 1616) at the company's charge, after serving the time due therefor, should have 100 acres, paying one shilling per annum free (quit?) rent on each 50 acres, etc. Personal adventurers and single shares dating after Dale's coming away, as the former difficulties and dangers were then in great part overcome, were to have only 50 acres each with a free rent of one shilling

¹ Captain William Powell, Ensign Rossingham, Captain Ward, Captain Tucker, Mr. Shelley, Thomas Dowse, Samuel Jordan, and Mr. Boys composed the committee for perusing the first and third books; Captain Lawne, Captain Graves, Ensign Spence, Samuel Sharpe, William Capps, Mr. Paullett, Mr. Jefferson, and Mr. Jackson, the committee for the second and fourth books. The committeemen were members of the House of Burgesses; none were members of the Council.

thereon yearly to be paid “at the feast day of St. Michael the Archangel forever.” This division related also to laying out the companies, the common and the glebe lands in each of the four incorporations; the college land in the city of Henricus, and the governor’s own lands (2200 acres granted him for his long, good, and faithful service done) at Weanock. The committee sent several petitions to England on this division with reference to having the public and glebe lands settled, etc.; the shares of land; for a sub-treasurer to reside in the colony to collect rents, etc., and “lastly that they will be pleased to change the Savage name of *Kiccowtan*, and to give that Incorporation a new name.”

The third division was relative to plantations; the placing thereof — private, illegal grants, etc.; glebe lands and common lands for plantations. There was no petition sent to England on this division, but touching the placing of the plantations the governor gave it as his private opinion “that in these doubtfull times between us and the Indians, it would behove us not to make as large distances between Plantation and Plantation as ten miles, but for our more strength and security to draw nearer together.”

The fourth division contains sundry orders and laws, enacted in previous quarter courts, which were ratified and confirmed in the Michaelmas court, 1618, and sent to Virginia “for their use and benefit;” “land grants in Virginia hereafter to be passed by indenture, and to be made only in a full general quarter court;” a long order allowing 50 acres for each person transported to Virginia after midsummer day (June 24 ?), 1618, with several provisos, — “all grants, etc., to be made with equal favors, as near as may be, to the end that all complaint of partiality may be avoided.” “All which said orders we hereby will and ordain to be firmly and inviolably kept and observed.” Lastly, the governor and Council of State were to have all the aforesaid lands and territories surveyed, “so as that the territories of the said several cities and Burroughs and other particular plantations may be conveniently divided and known the

one from the other. Each Survey to be set down distinctly in writing and returned to us (the Council in England) under your hands and seals."

There was no petition sent to England on the fourth book, and then, "there remaining no farther scruple in the minds of the Assembly touching the said Great Charter, the Speaker put the same to the question and it passed with the general assent and applause of the whole Assembly."

The petitions, etc., passed by the Assembly had to be ratified in England before becoming laws; but the Great Charter was law, and some of its orders remained in force (with some alteration, it may be, during the subsequent changes in the company and colony) until the Revolution.

August 12 (Monday), the Assembly considered Martin's patent, "which of the Instructions might conveniently put on the habite of Lawes," etc.

August 13, "such Lawes as might issue out of every man's private conceipte," — each class of laws being first considered by committees before being submitted to the General Assembly.

A good many laws of sundry sorts were passed, namely: relative to the Indians, the treatment of them, trading with them, educating and converting them, etc.; to affairs of the church; to planting corn, mulberry-trees, silk flax, English flax, anise seed, vines, tobacco, etc.; to land patents, landlords, tradesmen, mechanics, tenants, servants, etc.; to "the Magazin," trading, etc.; to the general conduct of affairs, private and public, in the colony; and "against Idleness, Gaming, drunkenness and excesse in apparell."

Rents, taxes, etc., "not to be exacted in money of us (whereof we have none at all, as we have no minte) but the true value of the rent in comodity." To this intent the price of tobacco was fixed by law, "the best at three shillings, and the second at eighteen pence the pounce. And any tobacco whatsoever which shall not prove vendible at the second price shall be immediately burnt before the owner's face." Three shillings the pound then was probably

equivalent to \$300 per hundred pounds now, a price which we would be very glad to get for our shipping tobacco. They really got about as much per pound as we do per hundred.

Among the cases considered on the 13th and 14th of August was the case of Henry Spelman and Robert Poole. As an illustration of the natural differences in evidences where there are parties, the Journal of the Assembly gives a long account of this trial, and alludes to Spelman (of "the Lords' party") "as one that had in him *more of the savage then of the Christian*." On the other hand, Smith's history merely mentions the Assembly, says nothing of the case itself, but alludes to "the treachery of one Poule (an opposer of 'the Lords' party'), in *a manner turned heathen*."

August 14, before dissolving, the General Assembly made "their last humble suit to the Counsell and Company in England, that they would be pleased, so soon as they shall find it convenient, to make good their promise set down at the conclusion of their comission for establishing the Counsel of State and General Assembly, — namely, that they will give us power to allow or disallow of their orders of court, as his Majesty, hath given them power to allow or to reject our lawes."

And then "being constrained thereto by the intemperature of the weather and the falling sick of diverse of the Burgesses," the "Governor prorogued the said General Assembly till the first of March, following, and in the mean season dissolved the same."

"Because our intent is to ease *all the inhabitants of Virginia forever of all taxes, and public burthens as much as may be*," etc.

The Great Charter ordered that, for the support of the officers, 3000 acres of land should be laid out for the governor's land in the incorporation of James City. For the other officers, ministers, etc., 3000 acres for the company, 1500 acres for the corporation, and 100 acres of

glebe land in each of the four great corporations; and for the college, 10,000 acres in the city of Henricus. These lands were laid out as follows: —

I. In “the Corporation of Henerico,” on the north side of the river, from the Falls down to Henrico, containing about ten miles in length, were 3000 acres for the company’s lands, 1500 acres of the common land for the corporation, and 10,000 acres for the university, with other land (1000 acres?) belonging to the college. The university lands were partly of the lands already impaled in the bend across the river and above Aiken Swamp bend, which was then called Coxendale, and in which the 100 acres of glebe land were located, and partly of other lands extending up the river on the north side towards the Falls. These lands were set out for the planting of a university in time to come. “*The College* for the training up of the children of those Infidels in true Religion, moral virtue and civility,” was to be built at once with the funds arising from “a special grant and licence” which had been issued by James I. for a general contribution over the realm of England (through the archbishops) to that purpose.

II. In the corporation of Charles City, the 3000 acres for the company was located on the north side below Sherley Hundred (Epes) Island, and the 1500 acres for the corporation on the south side below City Point. The special grant to Yeardley of 2200 acres (for his two single shares 200 acres, and for services rendered 2000 acres) was also in this corporation, in the Weynock bend of the river, on Kenwan Marsh and Mapscock and Queen’s creeks, and opposite what was then called “Tobacco Point,” on which Fort Powhatan was located in the late civil war. This plantation was afterwards known as “Tanks Weynock.” The governor’s other plantation, “Flowerdieu Hundred,” was across the river westward from this. I suppose that they had united in the election of burgesses.

III. In the corporation of James City, the 3000 acres for the place of governor under the order of the Great

Charter were located on the lands formerly conquered or purchased of the Paspahas and other grounds adjoining. This was "old Paspaheghe," a little more than a mile from Jamestown, on the north side of the river, towards the Chickahominy. "Argall's Guift," or "Town," was already located on this land,¹ and there arose some litigation with the old planters, who had received grants thereon from Argall and from Dale. Those from Dale were the first issued by a governor. Yeardley left England with fifty tenants for the governor's land, transported at the company's charge and furnished at his own, and he found six remaining of Captain Argall's guard, who were at once settled on the governor's lands. This charter also ordered that the governor's house in Jamestown, first built by "Sir Thomas Gates, at the charges and by the servants of the Company and since enlarged by others by the very same means, be and continue forever the Governor's house." The 3000 acres for the company's lands were above the governor's, adjoining the mouth of Chickahominy River. I cannot find definitely where the 1500 acres for the corporation and the 100 acres for the glebe were located. The ships of Lawne and Pountis had both brought a few tenants for the company's lands.

IV. In Kecoughtan, the 3000 acres for the company and 1500 acres for the corporation were on the east side of Southampton (Hampton) River.

Those sent over at the charge of the company were to work out their seven years' term of service "to the half part of the profits" on the company's lands (the 3000-acre tracts). Of the company's half of the proceeds, one moiety was to pay the Council of State and other public offices; the other moiety (after deducting one fifth for the wages of the bailiffs and other officers which should have the oversight of said tenants' lands, etc., and a sufficiency for wintering the public stock of cattle) was to be sent to

¹ This was a ground for the petition 10, *in re* "the former grants to the of the General Assembly on August antient planters."

England for the public use of the company. The proceeds of the corporation lands (the 1500-acre tracts) were to pay the particular magistrates and officers of the corporation.

Monthly courts were held in each corporation to do justice in redressing of all small and petty matters, others of more consequence being referred to the governor and Council or the General Assembly.

At some time during the summer of 1619, Captain Francis West laid out the site of "Westover" as the location for the grant of lands in Virginia to Henry, fourth Lord De la Warr, as heir to his father the late lord governor of Virginia, but did not at that time obtain the grant to the lands from the governor of Virginia.

Governor Sir George Yeardley (under the orders of the Great Charter, etc.) granted to the ancient planters, who had been here before the going away of Sir Thomas Dale, a full discharge from all further public service, excepting only such services as they should willingly undertake for the colony, or were bound in duty to perform by the laws of all nations; and confirmed to them all their estates, real and personal, in as full and ample manner as the subjects of England held and enjoyed them. The last ship to arrive, "before the going away of Sir Thomas Dale," was the Treasurer, early in 1615.

Those who paid their own way had always been as free as men serving in a joint stock are apt to be; but those sent at the expense of the company had to work out the debt by serving a term of years. These terms began to expire after May, 1614, and some had certainly been granted lands by Dale in 1615-1616, by Yeardley in 1616-1617, and, at the end of the joint stock, by Argall in 1617-1619; but under "the Great Charter" a good many were freed and granted lands whose time had not yet expired, and the effect of this must have been very encouraging.

The Treasurer returned to Virginia from the West Indies in September, 1619, in consort with "a man-of-war of Flushing." This voyage of this ship caused a great deal

of contention then, and it may be that her acts were the source of what has resulted in the most serious danger to this nation since. The evidence regarding this voyage (much of which remains) was evidently written more for the purpose of concealing the facts than revealing them. I doubt if the ship made more than a pretense of going to the Azores Islands; she reached the Bermudas in January, 1619, and from thence in February or March went to the West Indies, where she took a Spanish cargo of a certain number of negroes, some grain, wax, tallow, and other things of "littell worthe," and came with them (as afore-said) to Virginia, where, according to the account sent to the company, she received cold entertainment, and soon departed. But this statement is questionable; the date of her departure from Virginia is not certainly known. It was feared that the result of her act would provoke an attempt of the Spaniard upon the colony, either "by way of revenge, or by way of prevention, least we might in time make Virginia *sedum belli* against the West Indies." But the governor, a soldier truly bred in that university of war, the Low Countries, purposed to fortify a place or two, and to hold Virginia "maugre both Spaniards and Indians." The Treasurer left negroes in the colony, how many I do not know; but probably more than twenty. The lieutenant of the ship remained in Virginia, and his deposition was forwarded by Governor Yeardley, with the public letter, to the company. These documents must have been sent to England by the Trial or the Diana. But the Trial, on which the cape-merchant, Abraham Peirse, went, arrived in England prior to November 25, 1619, having left Virginia soon after the General Assembly. The Diana (which, therefore, quite certainly carried these documents) left late in 1619, or early in 1620, and reached England not long before February 16, 1620.

Smith's history states that "about the last of August came in a dutch man of warre that sold us twenty Negars." I do not know to what party Captain John Smith belonged

in 1619; but he was in sympathy with the Warwick party when editing his history in 1624. John Rolfe is given as the authority for this statement. He was in sympathy with the Warwick party at that time, which party used the same foil in the Somers Islands, and his reference to "a dutch man of warre" was really applicable to the Treasurer. Smith (being then of the Warwick party) tells nothing of the piracy of this ship by name in his history, either in his account of Virginia or of the Bermudas, or of her taking negroes to either colony; and, so far as I know, this statement in this history, which thus shields Warwick, is the only evidence from which it might even be inferred that negroes were brought to Virginia at this time by any other ship than the Treasurer.

The evidence relative to "the man-of-war of Flushing," as we must expect with ships engaged in a contraband business, is as full of subterfuge as that relative to the Treasurer; but it seems that she belonged to William and Peter Courten, merchants of London, Middelburgh, and Flushing; was commanded by Captain John Powell, one of the most daring seamen of that day, and manned by English as well as Dutch. So many ships from the Netherlands, or of other nations under commissions from the Prince of Orange, were then preying upon the shipping of Spain that the term "Dutch man-of-war" was frequently applied to a "pyrate" ship, regardless of her nationality. So the term might have been as aptly applied to the Treasurer as to "the man-of-war of Flushing," and evidently was so applied both in Virginia and in the Bermudas.

Some of the negroes passed into the hands of the governors of both Virginia and the Somers Islands. They were regarded as "the most proper and cheapest instruments for the plantations that can be, but not safe to be any where but under the Governor's eye." The climate of the Somers Islands, however, was more congenial to them than that of Virginia. The first negro taken to those islands was landed there only four years after the first emigrants,

in the summer of 1616. I do not know that these negroes were the first brought to the colony of Virginia. I do not remember to have seen any contemporary account which says so. The accounts which we have even of the voyages of the company's ships are very incomplete, and we have scarcely an idea of the private trading voyages which would have been most apt to bring such "purchas" to Virginia. Pory wrote in September, 1619, "in these five months of my continuance here, there have come at one time or another eleven sail of ships into this river." If he meant that these eleven ships came in after he did, at least three of them are not accounted for in our annals.

The governor also sent by the *Diana* the journal of our first General Assembly, and in his public letter he not only told of the Treasurer, but of the laying out of the lands, etc. He said "there were eleven boroughs and not above five ministers," and asked for more; told of the sickness and asked for physicians and apothecaries; of the plentiful crops (two harvests) of the year; wanted to erect fortifications and asked to have engineers sent to the colony for the raising thereof; desired for his better direction to have the laws of government and magistracy sent to him; attributed the sickness to having to eat pork fresh and unseasoned for want of salt, and asked to have Sir Thomas Dale's salt works set up again, which had been allowed to go to wreck, etc.

John Pory, the secretary of state (who now wrote the public letters), wrote to Sir Dudley Carleton, the English ambassador in Holland (who was probably then at Middelburgh), on October 10, 1619, and sent the letter to him, with a copy of the official record of the meeting of our first General Assembly, by Marmaduke Rayner, an Englishman, who was the pilot of this "man-of-war of Flushing;"¹ and thus the only record of our first Assembly came to be preserved on board of this "Dutch man-of-war." The original has not been found.

¹ See the *Collections* of the Massachusetts Historical Society, vol. ix., fourth series, pp. 4-30, for the letter.

Beverley (1705) thought the first Assembly met in May, 1620; Hening (1805) in June, 1619.

"The proceedings of the First Assembly of Virginia" were first published by George Bancroft in 1857.¹

Thomas Dermer arrived in Virginia, September 18, 1619, from North Virginia, and found "the generall sicknesse over the land." He at once went up the river to Captain Ward's plantation, where he went to work hewing boards to repair his pinnace. He (and his men) soon fell sick, and were "sore shaken with burning fevers." They recovered so late that they resolved to await a more temperate season for their return to the north.

Captain John Bargrave, in his complaints, states that "he and his partner had sent two ships (the Sampson and Edwin) and 100 men in pay to Virginia and that the mariners sold his ships in Virginia to pay themselves wages," etc. These were small vessels, and very serviceable in the waters of Virginia and in fishing to the northward.

Governor Yeardley's first year ended on November 28, 1619, and it was not then known in Virginia that Sir Edwin Sandys had succeeded Sir Thomas Smythe as treasurer of the Virginia Company of London, unless the news had been brought by some unknown private trading ship (and I have found no reason for thinking so). The first official news of that event reached Virginia on the *Bona Nova*, December 4, 1619.

The accounts vary greatly as to the number of English in Virginia at the end of Sir Thomas Smythe's administration, from "about 400" to "about 1300." There were certainly over 750, as the regular census taken in March, 1620, fixes the number then in Virginia at 887, and less than 134 (many of whom had died) had arrived since November, 1619. Or, to state it more clearly, the census of December, 1618, places the number then here at 600;

¹ *Collections* of the New York Historical Society, second series, vol. iii., part i., pp. 329-358.

there arrived between December, 1618, and November, 1619, eight ships, which left England with 840 emigrants, making a total, with those in Virginia, of 1440; but there had died *en route* and in Virginia about 500, and about 900 remained alive. In the spring of 1620, Sir Edwin Sandys placed the number at "near 1000." It must be stated, however, that at least one half of them were not acclimated, and most of these probably died the following summer.

"Though it were a great advancement of the Plantation to have so many men left there, well furnished, yet it seems to be but the least part of the services which they had then performed."

Let us review their work briefly. The first protests against a royal form of government in this country were made in 1608 and 1609. They resulted in several steps, becoming more and more distinct, until our final declaration of independence. Three particular steps in this direction had now been taken: the first company charter of 1609; the second company charter of 1612; and, thirdly, "the Great Charter," granted November 28, 1618, not by the crown, but by the company under the aforesaid company charters to the colony.

Under the business management of Sir Thomas Smythe, one of the leading men of affairs of that day, a foundation "was laid, whereon a flourishing state might, in process of time by the blessing of Almighty God, be laid." When it was thought good to "bend their cares to the setting there of a laudable form of government," Sir Edwin Sandys, the statesman, who had drafted their charters, was called on to assist Sir Thomas Smythe; and he drafted the form of government under the authority granted by their charters.¹ Sir Thomas Smythe and himself had been friendly and assisting to each other, and, although they afterwards became political opponents and assailed each other as parti-

¹ With the aid of John Selden and others, as subsequent circumstances make evident.

san Democrats and Republicans assail each other now, posterity will finally do justice to both; for they were largely instrumental in making possible (the one in securing the country for, the other in drafting) "the first example of a domestic parliament to regulate the internal concerns of this country, which," says Story, "was never lost sight of, but was afterwards cherished throughout America as the dearest birthright of freemen."

Owing to the fact that so much of the Record is still missing, and so much of that which has been found is of a partisan character, it is especially hard to go into details during the period of the company from 1609 to 1619 inclusive; but we can easily see the many peculiar difficulties which the first managers — "the old founder party" — had to contend with, which the last administrations had not; the many crucial tests which they had met "with a constant and patient resolution, until by the mercies of God" they overcame them. They had nourished and supported the infant colony, through disaster and disease, until she had become strong enough to begin to bear her own burdens. They opened the way for those who came after them, and their acts had a significance even broader than the bounds of their charters; they made possible the settling of all subsequent English colonies in America, and under easier conditions than those which had existed with them.

Of course this credit applies to the managers and planters in Virginia, as well as to the managers and adventurers in England. Lord De la Warr was the lord governor and captain-general of the colony for the greater part of this period (1609–1619) under the company, and although he was absent in England most of the time, so far as his health permitted he was devoting himself to the interest of his colony all the time, and he finally gave up his life in the great cause. He was well represented at all times by faithful lieutenants and deputies, — Sir Thomas Gates, Captain George Percy, Sir Thomas Dale, Captain George

Yeadley, and Captain Samuel Argall. He was succeeded by Sir George Yeadley, a man to whom this country owes as much as it does to any man. Justice must also be rendered to Sir George Somers, Captain Christopher Newport, and their other numerous co-laborers in the colony.

It is very important to recognize fully the historic fact that the movement was under the influence of "past politics," and although *ex parte* evidence is not as satisfactory as that which is unbiased, we must consider the evidence for all parties and deal as fairly by them as we can.

Arthur Wodenoth (Woodnoth, Woolnoth, etc.), a goldsmith of London and former member of the Virginia company, about 1645 wrote "An account and observation taken by A. W., a true friend and servant to Sir John Danvers and the Parliament interest, containing a great part of his [Danvers'] more public transactions, concerning the plantation of Virginia," etc. He left the manuscript with his cousin, Will. Wodenoth, under instructions to publish it at a seasonable time. Before this time came Mr. Will. Wodenoth had died. It was published under the Commonwealth¹ in 1651, by Anthony Peniston, a brother goldsmith and former member of the Virginia Company, under the title of "A short collection of the most remarkable passages from the original to the dissolution of the Virginia Company." The author had asked his cousin to "view the Court-Books of the Virginia Company and the orders of the Council Board, and to add therefrom the year of our Lord in the Margent at every main transaction"; but these books were not available either to Wodenoth or to Peniston, and the tract as published does not contain a single date. Having been written from memory after a considerable lapse of time Wodenoth has sometimes mixed incidents, and the tract is not always clear if taken by itself; but after adding the dates in the margin and considering it in connection with the records now available it

¹ It could not have been published during the reigns of James I. and Charles I.

becomes of real historic value. It is partisan, being written in the interest of Sir John Danvers and "the patriots," and against "the secret-court-Spanish party," and taken by itself only gives an *ex parte* idea of "past politics;" but, with the light shed upon it by other evidences, it aids in revealing how, beginning with the popular charter of 1609, events under the Virginia Company developed the inspiration which led up to the Commonwealth of England. And these evidences show that this nation was not brought forth in a day, and that our foundation was not laid with brick made without straw. The evolution has been going on ever since the free air of America inspired the first petitions against a royal form of government in 1608, to the present day. The germ is still unfolding, and so long as it remains true to the seed it will continue to put forth to the glory of the nation and for the betterment of mankind.

UNDER THE COMPANY

PART II

THE ADMINISTRATIONS OF SIR EDWIN SANDYS AND THE EARL OF SOUTHAMPTON

I

ENGLAND, FROM EASTER COURT, MAY 8, 1619 — TRINITY
COURT, JULY 8, 1620

*SIR EDWIN SANDYS, TREASURER; MR. JOHN FERRAR, DEPUTY-
TREASURER*

As will be seen hereafter, copies of some of the regular company Records for 1619–1624 have been preserved, and these enable me to give more of the details for this period.

The other officers (see chapter XXIII) elected at the Easter quarter court were: auditors, Sir John Danvers, Mr. John Wroth, Mr. Essington, Mr. John Ferrar, Mr. Briggs, Mr. Wiseman, and Mr. Chambers; secretary, Henry Fotherby; bookkeeper, Valentine Markham; husband, William Webb, and beadle, Francis Carter.

The committee which had charge of a great part of the business management¹ was composed of sixteen members: Ralph Gore, William Canning, William Palmer, William Winston, Thomas Wheatley, Edward Ditchfield, George Smith, Daniel Darnelly, Richard Morer, Mr. Bearblock, Mr. Caswell, Mr. Keightley, Mr. Wiseman, Mr. Barnard, and two other names which I could not decipher.

Captain Daniel Tucker, who returned from the Bermudas in March, now asked the court for twenty shares in Virginia

¹ This committee had been in existence from the first formation of the London Company; but owing to the loss of the Records there is no complete list of its members during 1609–1619.

for his former five years' services there, which request was referred for further consideration. The Earl of Salisbury passed two shares of land in Virginia to Captain Brett.

May 10, the Earl of Southampton was sworn a member of the king's Privy Council, where he was afterwards able to render the Virginia Company good service.

May 15, Sir Edwin Sandys was a candidate for treasurer of the Somers Islands Company, but Sir Thomas Smythe was elected. This was the Easter term of the Somers Islands courts.

Captain Samuel Argall returned to England in the *Ellinor* about this time. Cushman says the tidings brought by him of Elder Blackwell's ship, etc., were ill "though his person be wellcome."

The Spanish agents in England already knew of the piratical voyage of the Treasurer to the West Indies and had complained about it. And this fact, with Brewster's and the various other cases against Argall, together with the recent elections, were causing so much commotion, that Cushman thought best to spend two or three weeks in Kent, to let matters get into better shape before attempting to close the contract with the Virginia Company.

May 22, at the weekly meeting of the company, Sir Edwin Sandys took steps to have the lotteries continued under the management of Gabriel Barbor. He also reported to the court the pecuniary condition of the company at that time. In his report he called in question the statement made by Sir Thomas Smythe at the resigning of his place, "that there was £4.000 for the new Treasurer to enter upon;" mentioning that the charges for the ship *Sir George Yeardley* went in, and the other wherein the children from London were transported, and sundry other accounts ought to have been deducted. Smythe contended that his statement was correct; his accounts were submitted to the recently elected auditors, and Mr. Maurice Abbot, Mr. Humphrey Handford, and Mr. Anthony Abdy were admitted to be present at the auditing to see that Sir

Thomas Smythe received no wrong ; but as it was also ordered that Sir Edwin Sandys, Sir John Danvers, and Mr. John Wroth (three of the old auditors) should be of the quorum, and that nothing should be concluded without the consent of two of them at the least ; and as Sandys and Danvers were the auditors making the charge against the accounts of Smythe, the case, which now began to be carried forward, was virtually decided against him before it was fairly considered, and there was nothing for the auditors who sustained his accounts to do save to protest, and this they did do.

Captain Edward Brewster's appeal from the verdict rendered against him in Virginia in October, 1618 (in the case between Argall and himself), was delivered into this court, and "referred to Sir Edwin Sandys and Deputy Ferrar to be by them delivered into the next court and the next Quarter Court to hear the appeal."

Captain Edward Brewster, and his father, William Brewster, were both members of the Virginia Company of London ; but I doubt if his father was Elder William Brewster, who was then in London as one of the agents of the Pilgrims in closing the contract for their going to Virginia. On the other hand, it is questionable if he was the son of the William Brewster who died in Virginia in 1607.

At a Virginia court, on May 29, a commission was given to the *Bona Nova*, John Johnson, master, to go to Virginia, being the first ship sent there by Sir Edwin Sandys' administration.

June 4, James I. issued orders forbidding any one to sell any tobacco in any of his dominions until the custom and import duty had been paid thereon, and the tobacco so sealed by his officers.

June 5. The king's letters to the bishops had already resulted in the bringing in of about £1500 for erecting and building a college in Virginia for training Indian children in the true knowledge of God and some useful employment, and at the Virginia court of June 5, it was thought best to

forbear the building of the college awhile and to begin with the money they have to provide an annual revenue, and out of that to begin the building, etc. To which purpose it was determined to send by the next ship fifty tenants to the college land at Henrico for planting of the same; they to have half the benefit of their labors, and the other half to go towards beginning the buildings and for maintenance of the tutors and scholars. It was also proposed to send fifty tenants to the common lands "for raising a stock for paying duties there, and defraying the Company's charge here." The opposition (Smythe-Johnson) party objected that the plantation should receive much wrong if more men were sent over so soon, before those that were already gone had procured wherewithal to subsist; but the motion to send the tenants was carried. Mr. John Wincopp, commended to the company by the Earl of Lincoln, intending to go in person to Virginia and there to plant himself and associates, presented his patent now to this court, which was referred to the committee that "meeteth upon Friday morning at Mr. Treasurer's (Sir Edwin Sandys) house to consider, and if need be, to correct the same." Captain Edward Brewster's grievances were presented to the court by Sandys, and copies delivered to Captain Argall. This case continued to come up in several subsequent courts, and orders were finally sent to Virginia "for the taking of depositions there regarding the same."

June 17, at a preparative court, a petition by Captain John Bargrave was preferred regarding his suit against Sir Thomas Smythe. John Hodgson passed two shares to Francis Whitner, which he passed to Mr. Nicholas Ferrar. John Taverner passed three shares to Thomas Sheppard; Martin Earle one share to Nicholas Buckeridge. Doctor Bohun passed one share each to Richard Boothby, Dr. Thomas Winston, Hugh Windham, John Tucker, and John Strange; and Captain Edward Brewster passed one share to William Cranmer. "Sir Edwin Sandys moved that the Instructions given by his Majesty under the privy Seal

to The Treasurer and company for the governing of the Plantation might be brought in." In forming the new government it was necessary to deal carefully with these instructions.

June 19, the Trinity quarter court met. "Sir Thomas Smythe offered to satisfie any damage that hath been done by himself or his officers to the Company." The Earl of Warwick, Sir Thomas Cheek, Sir Nathaniel Rich, Mr. John Ferrar, deputy, and Captain N. Butler, were chosen to be of the Council. This was the first addition to His Majesty's Council for the company, under the new administration. Agreed that Captain Argall was the governor when Brewster was condemned; and "his proceedings against Brewster were referred to the Counsell to meet at *my Lord of Warwick's* and report to the Court. — Mr. Wincopp's Patent sealed. The business of the magazine ordered," etc.

The orders for the better governing of the affairs of the Company of Virginia having been first framed and digested by a select committee, and then presented to the Council and by them approved, were afterwards read in the preparative court of June 17, and finally ratified by this quarter court (June 19). Many of them were old orders; some old orders somewhat altered, and some were new orders. There were a few additions and alterations made in the quarter courts in the Easter and Trinity terms of 1620, and then they were printed.¹ They relate to "the Courts, Elections, the Treasurer, Deputie, Counseil, Auditors, Comitties, Secretary, Booke Keeper, Husband, Bedel, and Generalitie of the Company; Officers in Virginia; Laws; Grants of Land; Trade; College; and Accounts." Many of the books and other records are referred to as then existing. The auditors, committees, treasurers, and husbands, all kept separate sets of books. The secretary's office kept the books of the company (the "Blurr books" or blotters, the court books, etc.), including "*first, a Book*

¹ They are reprinted in Force's *Collection of Historical Tracts*, vol. iii. no. 6.

containing *Letters, orders, &c from and to the King, Council, etc* ; *Second*, a *Book of Laws*, standing orders, etc, beginning June 19th 1619 ; *Third*, a *Book of Patents*, charters, indentures ; *Public letters to and from Virginia, &c* ; *Fourth*, a *Book of the Acts of the general courts*, beginning with a new *Book at the last Quarter Court* (May 8th 1619) ; *Fifth*, a *Book of the Acts of the comities*, beginning from the same court, including invoices of goods &c sent to and from Virginia, etc ; and a *Sixth Book* to contain the names of adventurers and their shares ; of all planters in Virginia, as well for the public, as upon private plantations, etc. And the Secretarie was to keep safe in the Company's chest of evidences, all the Bookes, aforesaid, as well as many loose documents of an important character."

These facts show how complete the company records were, yet I doubt if a single original from "the Companies chest" remains ; but some first drafts, copies, and originals, the property of other parties to the instrument than the company, are still preserved. The most important of these, save the charters and documents of like character, are the original copies of the fourth book, the Acts of the General Courts, beginning with May 8 (N. S.), 1619, and ending June 17, 1624, now preserved in the Library of Congress at Washington, D. C.¹ The copies made for Colonel Richard Bland from the original copy are now in the library of the Virginia Historical Society in Richmond, Va. My references to the Virginia courts have been taken from the original copies (at Washington) and from sundry abstracts of other official documents in the state paper office, London, and other repositories, public and private, in England and in America.

The fourth book prepared for public perusal was really

¹ See *Magazine of American History*, N. Y., 1893, vol. xxix. pp. 371-380. Many extracts from these records have been printed by the Virginia Histori-

cal Society, and the Rev. E. D. Neill. They are now being printed in full by the State of Virginia.

the organ of the administration for the time being. It contains a great deal of most valuable and reliable information, but in party matters, questions, and controversies, it is of course more or less favorable to the party which compiled it, and whose official organ it was.

June 24, "at a Va. court, the Gift having returned — certain parts of the letters from Sir George Yeardley sent by her were read to the court; other portions had to be referred to the Council before they could be revealed. The Council sent their report to the Court stating that Capt. Argall had proceeded justly by trying Brewster by Marshall Law; but for as much as it was objected that Capt. Brewster had committed no crime worthy of death, the case was referred to the Governor and Council of State in Virginia, to make examination of the cause and return certificate thereof," etc. The college being such a weighty business that an account of their proceedings therein had to be given to the state, the following choice committee was chosen to attend to the matter: "Sir Dudley Diggs, Sir John Danvers, Sir Nathaniel Rich, Sir John Wolstenholme, Mr John Ferrar, Dr. Anthony and Dr. Gulston. The following Auditors were chosen, John Wroth, Morris Abbott, Humphrey Handford, Anthony Abdy, Wm. Essington and Thomas Keightley. Robert Browne was allowed a bill of adventure of £25 — to be deducted out of ye £500 adventure of ye Lord La Warr's and for his personal adventure 100 acres, being 3 shares in all."

The portions of Yeardley's letter which could not be revealed to the open court related to the piratical voyage of the Treasurer to the West Indies. The proceedings thereon are described by Sir Nathaniel Rich as follows: "As soon as Sir Ed. Sandys received this letter of advertisement he assembled the Counsell of Virginia to ask their opinion in it (*having first blotted my Lord of Warwicks name out of those letters and anything that might directly touch him*) and so left the information *to rest wholly upon Cap. Argall*). Sir Ed. Sandys and the Counsell agreed

that it was fit to acquaint the Privy Council with it for so it was alleaged that by their oath they were bound, there being a clause in the oath that all matters of Importance concerning the state should be made known to the Privy Council. The resolution being thus taken Sir Ed. Sandys [being then friendly to the Earl of Warwick] considering how deeply this might concern my Lord of Warwick not only to the loss of his ship and goods (which yet was a great loss to my Lord, who only for the good of Virginia had been at a very great charge in twice setting her out) but also in case that these fellows (to save their own necks) should lay of the business upon my Lord of Warwick, as it was not unlikely they would, that then it might tend infinitely to the prejudice or rather ruin of his estate, and knowing that it was not the blotting out of my Lords name would serve the turn: Sir Ed. Sandys before he went to the Privy Council sent to my Lord of Warwick and myself to speak with us about it: after some conference and difference in opinion touching our going to the Privy Council with this complaint we desired that Sir Ed. Sandys, Sir Jo. Danvers, Sir Ed. Harwood, my Lo. of Warwick and myself (with I think not above one or 2 more of the Counsell of Virginia) might meet the next morning at my Lord of Southampton's to confer further of it: Where it was resolved that to make less opposition in the business and give a fairer way to the ending of it, Sir Ed. Sandys should pursue the directions given by those of the Virginia Counsell that were present at the opening of the letter, but that this should be done very cautiously, without any aggravation and carried so, as might serve only to discharge our duties and with such a tenor of words (the effect whereof was considerably agreed upon) as might conduce to a quiet settling of the business: And because it was conceived that this business might tend not only to my Lord of Warwick's loss but be of far more dangerous consequence to his person and estate. My Lord of Southampton promised himself to be then at the Counsell Table and upon the

opening of the matter by Sir E. Sandys to offer his opinion and advise to the Lords of the Privy Council to the same purpose so to quiet any further search or stirring in the business: His Lordship promised likewise to inform some other members of the Privy Council (chief members and ministers of State) and to entreat their favor likewise for a fair passage therein, as a complaint rather necessitated in regard of our Oath than a matter fit for their Lordships to enquire after seeing it was not to be doubted but the Ministers of the King of Spain would be inquisitive enough after such matters, and then would be a fitter time for their Lordships to take it into their further considerations: To this purpose he wished my Lord of Warwick to go with him to some of the Lords and to go alone of himself to others, to entreat their favour *on Captain Argall's behalf*: And this was so especially pursued and so cautiously handled that the issue was answerable. For both the Virginia Counsell had discharged their parts in acquainting the Privy Council with it, and the business was dismissed without prejudice to any. And so rested very quiett."

The Garland, of 25 tons, was sent in June, 1619, for Mr. John Ferrar's plantation, with 45 persons; but it went to the Bermuda Islands, where it was detained, and never reached Virginia.

June 27, at a Virginia court, it was ordered that the copy of Mr. John Wincopp's patent for himself and associates should be read by the auditors, and the seal affixed if they found that it agreed with the original (which had been sealed at the quarter court on June 19); if not, it was to be returned to the court. When this official copy of the patent was finally sealed, it was sent to Leyden (in July or August, I think) by Elder Brewster. When it was received, the Pilgrims had a solemn meeting and a day of humiliation to seek the Lord for his direction; and their pastor preached them a sermon on 1 Samuel xxiii. 3, 4: "And David's men said unto him, Behold, we be afraid here in Judah: how much more then if we come to Keilah against the

armies of the Philistines? Then David enquired of the Lord yet again. And the Lord answered him and said, Arise, go down to Keilah ; for I will deliver the Philistines into thine hand."

July 4, "at a Virginia Court, the Committee on the College in Virginia made their report ; they asked for a minister, who was to have fifty acres of land for him and his heirs forever ; a Captain to take charge of the tenants, who, with few exceptions, were to be single men of the following trades — Smiths, Brickmakers, Bricklayers, Carpenters, Husbandmen, Potters and Turners. A warrant was to be issued to Sir Thomas Smythe for the payment of the collected money to Sir Edwin Sandys and Dr. Gulstone was to present unto George Abbot, archbishop of Canterbury " such letters to be signed "for the speedy paying the monies from every Diocese, which yet remain unpaid." Mr. John Wroth was now added to the committee. The officer of the lotteries was referred to the auditors. There was a controversy about the place of meeting for the magazine adventurers. "Wm. Shacley transferred two shares, and Mrs. Millicent Ramsden three shares, to Oliver St. John."

July 8, "upon the Earl of Warwick's solicitation and recommendation, William Weldon was entertained to take charge of the fifty men to be sent to the college. Mr. Deputy Farrar's ship was employed to carry the aforesaid persons. The oath of the Council for Virginia altered by addition of these words: *concerning the State*. A discussion, *in re* The Magazine adventurers, Sir Thomas Smyth, Sir John Wolstenholme, Alderman Johnson, etc."¹

July 12, Sir Thomas Smythe was reelected governor of the East India Company.

July 17, the Virginia court "considers the letters recently received by the magazine ship (the William and Thomas) from Abraham Peirse, the cape-merchant in Virginia ;" pending which there was an open rupture between Sir Edwin Sandys and Alderman Johnson, who gave over the

¹ Very hard to read in the original copy.

directorship of the magazine, and applied some ill language to Sir Edwin Sandys. To consider which the following committee of the Council for Virginia was appointed: the Earl of Southampton, the Earl of Warwick, Sir John Danvers, Sir Thomas Gates, Sir Nathaniel Rich, Mr. John Wroth, Mr. George Thorpe, and Mr. Deputy Ferrar. They met the next day at Southampton House, and decided that Johnson was wrong, and ordered that "Mr Alderman shall at the next Court make public acknowledgement of his error."

July 23. The Virginia courts were now usually held at Mr. Ferrar's house in St. Sithe's Lane, but this one was held at Sir Thomas Smythe's house in Philpott Lane. The difficulty between the treasurer, Sir Edwin Sandys, and Mr. Alderman Johnson was temporarily adjusted, and Sir John Wolstenholme and Sir Thomas Wroth were added to the committee to which it had been formerly referred, and they were ordered to form some just law for preventing the like abuse in the future. The whole crop of Virginia tobacco (20,000 pounds) for the year 1618, which arrived on the magazine ship, had been delivered into the custom-house, as the law required, to be weighed and the custom paid, and Mr. Jacob, the farmer of the impost on tobacco, held it until twelpence custom upon every pound was paid, which the company asserted was "double above the book of rates, the same being but sixpence." They also said that they were freed by his Majesty's letters patents of all impost and custom, saving five per cent., and it was agreed that a petition to the said effect should be drawn to the lords commissioners of the treasury, and the Earl of Warwick, Sir Nathaniel Rich, Mr. Alderman Johnson, and Mr. Brooke, were requested to attend their lordships "upon Friday next, in the afternoon, for the clearing of the same." In the debate it was asserted that Jacob placed the same amount of custom duty on all tobacco; that some Virginia tobacco would not bring over three or four shillings per pound, while Spanish tobacco was usually sold at eighteen

shillings a pound, and sometimes more. That is, Spanish tobacco fetched a sum equivalent to \$1500 to \$2000 per hundred pounds present values; and this will explain the natural desire to introduce the cultivation of "Spanish Varinas" in Virginia.

July 31, the Virginia court was held at Mr. Ferrar's house. An unknown person presented Mr. Treasurer Sandys with a letter from one desiring to remain unknown and unsought after, expressing an interest in the foundation of the college in Virginia, and presenting thereto "a Communion Cup," etc.

Sir John Wolstenholme moved the court in behalf of the society of Martin's Hundred that they might be allowed a share of land in Virginia for every £12 10s spent on the recent voyage of the Gift of God, which proved so disastrous; but Sir Edwin Sandys strongly opposed it for several reasons. He said: "If besides the persons transported, they shall have allowance of land over again for all charges, perhaps they may take up a great part of the river: What may my Lord La Warr do? Sir Thomas Gates and Sir Thomas Dale, besides a multitude of others, who have spent a large portion of their estates therein, and are not thought on?" The motion was defeated; but Sir Edward Harwood propounded that for encouragement of Martin's Hundred, there might be some quantity of land bestowed upon them by way of gratuity and service; and this was favorably received and referred to the next quarter court. And as Sir John Wolstenholme had lent the company £400, without interest, his kindness was to be recompensed by giving him some land. "The Polonians resident in Virginia were *enfranchised* and made as *free* as any inhabitant there whatsoever [of whatever nationality], and some apprentices were to be put unto them so that their skill in making pitch and tar and soap ashes shall not die with them." The courts were now dissolved, for the long vacation, until Michaelmas time.

Deputy Farrar's ship, the Bona Nova, of 200 tons, finally

sailed in August with 120 persons, including the 50 tenants for the college lands and the same number for the common lands. This was the first ship sent out under the new administration which reached Virginia.

Sir William Throckmorton, Richard Berkeley, George Thorpe, and John Smith of Nibley, in July engaged the *Margaret*, of Bristol, a ship of eighty tons, belonging to Edward Williams, to carry men for settling on their plantation in Virginia. Late in July, George Thorpe wrote from Bristol to John Smith, asking him "to hasten Mr Woodleafe and the mariners." Captain John Woodliffe, who had been eleven years in Virginia, was to have command of the future settlement of Berkeley Town and Hundred. On September 14, the four adventurers signed the commission to him, and the covenant and agreement with him, and gave him the ordinances, directions, and instructions for the government of our men and servants in the town and hundred of Berkeley, together with sundry messages to Sir George Yeardley. The ship sailed with him from Bristol on September 26. The company records say "with 45 persons for Mr Barkley's Plantation," but in the certificate of John Swye, mayor of Bristol, there are only 38. This was probably the first ship sent to Virginia by them. I have no evidence that the windbound ship of February, 1619, ever sailed.

On September 19, the four associates wrote a letter to Governor Yeardley, requesting him to become a co-adventurer with them, and sent it by this ship; which, also, carried a letter of August 13, from Sir Edwin Sandys to the governor, and the communion plate which had been presented to the college. Captain George Thorpe did not go over at this time. On October 10, he granted a fourth part of his own share in the Virginia venture to Robert Oldisworth and John Smith of Nibley.

October 30, the Virginia court held the first meeting after vacation. A committee was appointed "to take a cote [of arms] for Virginia, and agree upon the Seale for

the Company." A letter was received from James I., relative to sending divers dissolute persons to Virginia, which Edward Zouch, knight marshal, would give information of; after considering it, there being no present means of transporting them to Virginia, it was thought best to reserve a full answer till the next court; and Sir John Danvers promised to explain the reason to Mr. Secretary Calvert and Sir Edward Zouch. At the next court, November 13, "it was agreed with all conveniency to fulfill his majesty's command, and to send them over to be servants." The lord mayor was to be asked to keep them in Bridewell until they could be sent, and Mr. Treasurer Sandys was to give his majesty an answer by Mr. Secretary Calvert. Nothing as yet having been done about a seal for the company, it was agreed to ask Mr. Harecutious (?) to give the auditors some time a meeting at the house of Sir Edwin Sandys, to "devise to take a Cote for Virginia and agree upon the Seale."

November 20, James I. issued a proclamation forbidding the sale of tobacco until all custom and impost dues had been paid and the tobacco assorted or "garbled as other drugs are."

November 25, the preparative Virginia court was held. The device for the legal seal was presented for inspection; the auditors had spoken to one for the cutting of it, but Mr. William Hole ("Engraver to the King") claimed to have a patent for the engraving of all seals which hath the king's arms thereon, and Mr. Christopher Brooke of Lincoln's Inn was requested to examine this said patent and report to the court thereon.¹ At this court Abraham Peirse had two hundred acres of land in Virginia given him. This was the cape-merchant who left Virginia very soon after the first session of the General Assembly; his business was about the magazine.

¹ As finally adopted the escutcheon is quartered with the arms of the Stuart kings—England and France, Scotland and Ireland—crested by a maiden queen with flowing hair and

eastern crown, having as supporters two men in armor, beavers open, helmets with three ostrich feathers, each holding a lance. Motto: En dat Virginia quantum.

November 27, the Michaelmas quarter court met. Before the reading of the courts Mr. Treasurer Sandys presented a list of his Majesty's Councilors of Virginia, being 114 in all (including Robert Heath, Esq., Recorder of the city of London, and Thomas Gibbs, Esq., recently appointed), 90 of whom were still living, and those who had not taken their oaths were to repair to the lord chancellor or the lord chamberlain to be sworn. Sir Edwin Sandys then delivered a long discourse expressive of his ideas as to what should be done for the benefit of Virginia; he said, "not much above three years ago there were returned from Virginia twelve several commodities sold openly in court to the great honour of the action and encouragement of the adventurers; since that time there hath been but little returned worth the speaking of, save tobacco and sassafras." He was opposed to the immoderate following of tobacco, and proposed to insert a new covenant into all patents of land hereafter granted, that the patentees should not apply themselves chiefly to tobacco, but also to other specified commodities, "an example whereof they should see in the patent lying before them to be passed in this court to Mr. John Delbridge and his associates." He then goes on to praise the services rendered in Virginia by Sir Thomas Gates and Sir Thomas Dale, and then tells of the steps already taken under Sir George Yeardley "to set up the public again" by laying out the sundry classes of public lands in Virginia. Regarding which he makes five propositions: first, that the company should send, the next spring, 100 tenants for the governor's land, 100 for the company's, and 100 for the college land; second, to supply them with 100 young persons to be their apprentices; third, with 100 young and uncorrupt maids to become wives; and fourth, with 60 heifers; fifth, all of which tenants "as they had already done this year," he proposed "to send by ships trading to Newfoundland [North Virginia?], and so to transport them at a total charge of six pounds a person." He concludes by promising not to leave the

company a penny in debt at the end of his term. This court addressed a letter to the lord mayor (Sir William Cockayne), the aldermen and common council of London, relative to the 100 young persons for apprentices, which they hoped to obtain from the city "on somewhat similar terms as they formerly had done." The reply sent by them to the king was not fully satisfactory to him, "for the King's desire admitted of no delays," and he required the company to have fifty of the one hundred dissolute persons shipped away with all speed, and they were obliged, notwithstanding the many inconveniences, to make the best arrangements for shipping that they could. It was thought that these men might mutiny, and I infer that they were — or that among them were — some of the dispossessed natives of Ireland who were certainly sent to Virginia about this time. The company had formerly granted to Captain Christopher Newport a bill of adventure of four hundred pounds, and Sir Edwin Sandys was authorized by this court to write to the governor and Council of State in Virginia to lay out some part of the same for the benefit of his son and heir, John Newport. Matthew Cavill was admitted into the company, and two shares were given him. The Earl of Warwick, Sir Edwin Sandys, Mr. Ferrar, and others proposed sending some of those forced on the company by the king to the Somers Islands. The quality of these people was various ; at an extraordinary court on December 2, Sir John Danvers stated that the knight marshal (Zouch) had promised if "they may be sent presently, he would furnish the company with such persons of what quality and condition they desired." It was determined at this court that Mr. Treasurer Sandys should carry before the Privy Council the question between Mr. Jacob and the company about the custom due on their tobacco ; and the Earl of Warwick, Lord Paget, Lord Cavendish, Sir John Danvers, Sir Nathaniel Rich, Mr. John Wroth, and Mr. Cranmore (Cranmer) were entreated to be assisting to him in the premises.

On December 11, Sir Edwin Sandys acquainted the Vir-

ginia court “that Mr. John Delbridge, purposing to settle a particular colony in Virginia, desired that for the defraying some part of his charges, the Company would admit him to fish at Cape Cod.”

Sir Ferdinando Gorges, who was a member of both the North and South Virginia Companies, and who was present when Delbridge’s patent was granted on November 27, was again present, and promptly opposed this implied right of the southern company to grant privileges within the bounds of the northern. “He alleged that he always favoured Mr Delbridge, but in this thought himself something touched that he should sue to this company and not rather to him as properly belonging to the North Colony to give liberty for the fishing in that place it lying within their latitude.”

Sandys replied: “The Companys of the South and North plantations are the one free of the other, and the letters-patents is clear that each may fish within the other, the sea being free for both, which if the north colony abridge them of this, they would take away their means and encouragement of sending of men.”

“Sir Ferdinando Gorges replied that if he mistake not himself both the Companys were limited by the patent [of 1606] unto which he would submit himself.”

“The Virginia court referred the decision of the case to the Council for Virginia [34° to 45° north latitude], who are of both Companies — to examine the letters-patent, to-morrow afternoon at my Lord of Southampton’s and accordingly to determine the dispute.”

On December 12 this Council met at Southampton House, and “having disputed the business they could not decide the case, but differed the one party from the other.”

The court of December 11 agreed with Captain Thompson “for his ship the [Brother?] Jonathan for carrying the maids for wives to Virginia. Ordered a table to be hung in the court room on which the names of givers and of their gifts to Virginia were to be inserted, and the minis-

ters of Virginia were to be requested to commend them to God in their prayers." The term of the lotteries having expired, the court renewed the same till midsummer, 1620. Favorable letters had been received from the Archbishop of York relative to the collections in his realm, and the company acknowledged their thanks "to the Diocess of London, my Lord Bishop having sent in a full thousand pounds."

On December 25, Sir Edwin Sandys informed the Virginia court that their case against Mr. Jacob had been finally considered by the Privy Council; that "Mr. Attorney-General [H. Yelverton] delivered his clear opinion to the Lords, that the Company by their patent were free from imposition; and, in fine, it was ordered by their Lordships that the said Mr. Jacobb should deliver the said tobacco unto them, paying all other duties that might appertain thereunto, which was submitted to their Lordships' judgments. Therefore, he moved that the petition, together with their Lordships' order, might be entered in the court-book." And this was done. Although the Council had failed to come to an agreement as to the rights of the two companies over the northern fisheries, this Virginia court gave "a license under their seal unto the society of Smythe's Hundred to go a fishing." John Cage, Esq., transferred six shares to Dr. Theodore Gulstone and three to Isaac Seaward. Dr. Theodore Gulstone purchased three shares from Peter Bartle and one from John Payne, gent. Augustine Stewart transferred three shares to Sir Henry Jones, and Katharine Clarke, widow, passed one share to Edward Harber, Esquire.

Sir Thomas Smythe's account had been brought in to the auditors, and for the speedy auditing of the same it was determined that a publication should be issued. First, "to set down the names of every adventurer and their several sums adventured, that thereby all may take notice of the sums accredited to them, and receive their land proportionable before the best were possessed by new adventurers and

planters." Second, "to confute such scandalous reports as have been divulged of Virginia by the justification of the inhabitants there; the said publication to be drafted by Sir Edwin Sandys and Dr. Winstone." The case against Captain Argall was also proceeded with. The company made choice of Mr. Edward Herbert for their lawyer, and Mr. Thomas Keightley represented the magazine, while Argall chose Sir Nathaniel Rich to represent him. The papers in this case which remain show that it was very warmly contested on all sides.

The petition from the Virginia Company, "praying that they may be furnished with one hundred more of children by the city of London to be sent into Virginia the next Spring," was presented to the Common Council on December 17. It was again considered on the 28th, and was agreed to upon certain conditions; "Indentures to be entered into between the Mayor, etc., of the city and the Virginia Company for performance of covenants." And Sir Thomas Bennett, Sir Thomas Lowe, Sir John Leman, Mr. Richard Pyott, Mr. William Gore, Mr. John Gore, and Mr. William Halliday, aldermen; William Towerson, Robert Bateman, William Stone, Daniel Hills, and Noadiah Rawlins, skimmers; Thomas Moulson, grocer, and John Williams, goldsmith, or any six of them, whereof two to be aldermen, were appointed committees for the better ordering, dispatch, and effecting of the said business.¹

January 2, 1620, the Virginia court had read and allowed a commission to John Dameron, master of the *Duty*, to set sail as soon as possible for Virginia with the passengers commanded to be sent by his Majesty. Some of the tobacco had been put to sale by the candle: "Mr. Thomas Melling bidding 3 shilling wanting a penny at the going out of the flame had it adjudged to him."

Elias Roberts was granted a share of lands in Virginia by a bill delivered him.

January 9, James I. issued a proclamation restraining the

¹ Repertory, xxxiv. 276. Journal, xxxi. 122 seq.

planting of tobacco in England and Wales. "It is not unknown what dislike we have ever had of the use of tobacco, as tending to a general and new corruption both of men's bodies and manners; nevertheless it is of the two more tolerable that the same should be imported amongst many other vanities which come from beyond the seas than permitted to be planted here within this realm, to abuse and mis-employ the soil of this fruitful Kingdom. . . . The Colonies of Virginia and the Somers Islands are proper and natural climates for that plant, and receive much comfort by the importation of it into this Kingdom, and it tends to the increase of our Customs."¹

An extraordinary court was convened January 18 to consider a matter recommended to them by his Majesty, "whether the Company would farm the impost of tobacco or any part thereof at eight thousand pounds per annum, and pay 12 pence a pound for custom, some Spanish tobacco having sold at 20 shillings per pound it had been determined to raise the custom." The company refused to do this; but it was agreed to pay the king threepence per pound custom and ninepence more (making the twelpence required) so long as his proclamation inhibiting the planting of tobacco for five years remained in force; and Mr. Thomas Keightley, with some others, agreed to farm a third part of the tobacco.

At the court on the 22d, Mr. Treasurer acquainted the company that the lords commissioners for the treasury liked their proposition (*in re* custom, etc., on tobacco); and the following committee was appointed to repair to the clerk of the Council on January 24, to see that the bargain was properly recorded, etc.: Sir John Danvers, Sir Nathaniel Rich, Mr. Thomas Keightley, and Mr. Berblock. The treasurer and deputy informed the court that on the day before they had held conference with the lord mayor relative to the children for Virginia. The committees employed a ship called the London Merchant to be ready in

¹ Proclamations, James I., No. 74.

Tilburyfort the 2d of March to take in the passengers, etc. Humphrey Tomkins was admitted by bill of adventure.

February 7, Sir Edwin Sandys wrote to Robert Naunton, secretary of state, asking the secretary (as he could not be present) to represent him before the Privy Council, "some of the children designed by the city having refused to go, and the city having no authority to compel them." The Council met that evening and issued the necessary authority to make them go "so that they could be put in a condition to be of use and service to the State." The lord mayor and aldermen afterwards made "some strange demands" which the Virginia court of February 10 could not grant; but they sent a letter to the lord mayor on February 13, regretting that differences which had no solid foundation should have arisen between the committees for the city and themselves; that on the city's part, the £500 had been collected and the children provided; that the company had supplied a fair ship for transporting them, and the Privy Council had, at the city's desire, granted their warrant for the shipment of such children, and the company trusted that the lord mayor and aldermen would proceed to the speedy ending of the differences.

On February 5, the Virginia Company agreed with two ships (the *Trial*, of Master Edmonds, and the *Falcon*, Captain Thomas Jones) for the transportation of cattle to Virginia. Captain Jones, a servant to the Earl of Warwick, was then under arrest by the East India Company. He was released on February 10, on the Earl of Warwick's engaging to answer for what shall be objected against him; but I have no evidence that he went to Virginia at this time.

February 10, John Archer, brother to Captain Gabriel Archer, was admitted for one share as heir to his said brother. Stephen Sparrow transferred one share to John Hope.

The Hilary term of the quarter court was held on February 12 at the house of Sir Edwin Sandys, near Alders-

gate. Sir Edwin acquainted the court with indentures already "ingrossed before them granted — the first — unto Mr. Robert Heath, the Recorder of London and his associates ; the second to Doctor Bohune, James Swifte and their associates for transportation of 300 persons ; the third, to William Tracy Esquire and his associates for transportation of 500 persons ; and the fourth to John Peirce and his associates, their heires and assignes," all of which were "allowed and sealed in view of the Courte with a Totall Approbation." Mr. Thomas Weston, a merchant of London, was one of the associates of John Peirce, a cloth-worker of London, and he went to Leyden (probably as soon as the indenture was granted and before it was sealed) to interest the Pilgrims, with whom he had formerly had dealings, in his patent. It was ordered by this court that "captains and leaders of plantations that shall go to Virginia, till a form of government be here settled for them, *may make orders, ordinances, etc., for the better directing of their servants and business, provided they be not repugnant to the laws of England.*" The court issued an order to the governor in Virginia "to sett out 400 acres for Capt. Powle and Mr. John Smith." The court also considered again the proposition relative to the farming of tobacco, and it was resolved that "they could not yield to anything which might infringe their patent." They also considered at length the business relative to the 100 children from London ; after the receipt of their letter the city yielded. A letter from an unknown person, signed "Dust and Ashes," to Sir Edwin Sandys, was read ; "for the converting of the infidels to the faith of Christ he promised £500 for maintaining of a convenient number of young Indians, taken at the age of seven years or younger, and instructed in reading and understanding the principles of Christian religion unto the age of twelve years, and then as occasion serveth, to be trained and brought up in some lawful trade with all humanity and gentleness unto the age of twenty-one years, and then to *enjoy like liberties and privileges with our*

*native English in that place.*¹ And for the better performance thereof he promised £50 more, which should be delivered into the hands of two religious persons with certitude of payment, who shall once every quarter examine and certify to the Treasurer in England, the due operation of these premises, together with the names of those children thus taken, their foster-fathers and overseers." The court appointed a special committee for managing the said £500, and they certified to the court of February 26 that they had "met and taken into consideration the proposition of Sir John Wolstenholme that John Peirce and his associates [the Pilgrims] might have the training and bringing up of some of those children; but the committee, for divers reasons, thought it inconvenient—first, because they intend not to go these two or three months, and then, after their arrival, will be long in settling themselves, as also that the Indians are not acquainted with them." It was thought best to put them in the hands of plantations already settled there, as Smythe's Hundred, Martin's Hundred, Berkeley Hundred, and the like. Whereupon "Sir Thomas Roe promised that Berkeley Hundred would take two or three, and Mr. John Smyth and himself to be responsible to the company for their well bringing up;" and Sir Edwin Sandys, in behalf of Smythe's Hundred, promised to take those of the whole number not appropriated before the following Sunday. He also acquainted the court that he had recently received letters from Virginia importing the welfare of the plantation, etc. These letters² had been sent from Virginia by the Diana. At this court Peter Arundell reassigned three shares to Sir Thomas Roe.

At the court of March 3, the £550 (equal to \$13,000) from "Dust and Ashes" was paid in new gold, and Dr. Winstone reported that the committee thought it best for

¹ This man's ideas of human rights were in advance of ours. We have not yet granted equal rights to the natives.

² Report of the General Assembly, documents *in re* the ship Treasurer, as well as "these letters."

Smythe's Hundred to be wholly in charge of the managing thereof. At the same court Mr. Holloway presented the company with a balloting-box. William and Arthur Franke were allowed 200 acres for the transport of four men. John Holloway had one share given him for the present of the balloting-box. Sir Thomas Gates and Sir Nathaniel Rich were requested to confer with General Edward Cecil relative to sending some engineers to Virginia to erect fortifications there. It was determined to place six tenants on the glebe lands toward the support of ministers, and the Lord Bishop of London was to be solicited for the helping them with sufficient ministers. And the old indentures of land granted to particular societies were ordered under the seal again for the insertion of a new covenant, "for their maintenance of a sufficient minister, which being done, the country will be well planted therewith, which was well approved."

The man-of-war of Flushing reached the Netherlands some time prior to February 8, 1620, on which day, Sir Dudley Carleton sent the papers he had received from Pory, in Virginia, to John Chamberlain, in England, asking him "to show them to Sir Dudley Digges and then return them; and to let him know when there is a passage to Virginia, for he has compassion of poor Pory being hunger-starved for news, and wished to send him some." The only report preserved of the proceedings in our first General Assembly is "endorsed by Carleton, Mr. Pory out of Virginia." It was evidently sent to Carleton at this time. The official report to the company is probably lost with the rest of the official documents. Carleton's "Virginia Papers," received by the man-of-war of Flushing, probably reached London from the Hague about the same time that the *Diana* arrived from Virginia.

According to Sir Nathaniel Rich's account, when Sir Edwin Sandys received the letters from Virginia telling him of the return of the Treasurer, with the deposition of her robbing the Spaniard in the West Indies, "notwithstanding previous agreement between the parties as to such

depositions and other matters in the premises; notwithstanding" that in cases of this nature "where any of our Colony either in their going from or coming to England or going directly from Virginia commit any such offence as to spoyle or rob the subjects of any other Prince, our Letters Patents declare precisely what in that case is to be done: vitz that upon complaynt of any such Prince so offended the King will cause Proclamation of restitution within a certain time which if it be not done he will put the party out of his Protection: From hence it is apparent that we were not tyed to complain against our own country-men. . . . Though he knew in the passages of the former complaint which was only grounded upon rumor, how perplexed both my Lord of Warwick and his friends were at it, and what pains they took to prevent the ill consequences of it. Now as soon as Sir Edwin Sandys was informed that, that which they so much feared was come to pass, without acquainting my Lord of Warwick either before or after, he assembled the Counsell of Virginia, read the letter and deposition, and persuaded them to acquaint the Spanish Agent, and the English [Privy] Council with the matter, and so put upon my Lord of Warwick suddenly e'er he was aware, a confiscation of his ship and goods, and to throw him into such further extremities as the ill consequences of such a business might produce. And it is well known how dangerous they are for if that which my Lord had been accused of could have been proved—and what would not men of that sort swear to put off a business from themselves to another whom they think more able to bear it—he had not only been in the mercy of our own King, but must have been brought under the clutches of the King of Spain which perhaps would not have been removed till he had crusht him to peices: for God deliver me from the clemency of the Spaniard and from them that would inform for him." Rich may have had the fate of Sir Walter Raleigh in mind. The Virginia Council acquainted the Privy Council with the matter, by which time

the Earl of Warwick and his friends knew of it, and they so arranged that the Council table was satisfied about it by Lord Digby. "Then at the suggestion of Sandys, Sir John Danvers and Dr. Winston were sent to the Spanish Agent to disclaim the business. Sir Edwin Sandys was forewarned of the danger of this, and yet whereas they should have gone to one only, they delivered the message to both Agents (Julian Sanchez de Ulloa and Fray Diego de Lafuente), and upon return of their errand there was some hot disputation in the Court about it." Rich says "when the Lords of the Privy Council wished Sandys to be wary in his report, he in open court said 'that now the business must lie wholly upon Elfred who was and is, and intends to continue Pyrate accurst, and at ye same time told ye Councell that if he were hanged for his labor, were no matter.'" The case was finally adjusted, and, on March 7, the following entry was made in the Privy Council register. "This day Sir Edwin Sandys Governor and others of the Virginia Company represented unto this Board — That whereas a shipp called The Treasurer sent out to the West Indies at such tyme as Captaine Argall was Governor of Virginia, and had committed offences against the Spaniards, and that by publike Letters from that colonie that act was by them disavowed. So likewise the Councill and Companie of Virginia here joined in the letter disclayming of the same of which their especiall care to give unto his Majesties friends and allies no offence their letters gave good allowance and approbation. It appeared also by the letters produced at the Board, that the Spanish Agent here residing hath received satisfaction for the offence aforesaid." This case marks the beginning of the estrangement between the parties of the Earl of Warwick and Sandys. There is a good deal remaining about it. The impression made on my mind is that Sandys wished to smooth it over in the best manner for Virginia, and for all parties interested, save, probably, for Argall and Elfrith; but the earl did not wish any part of the transaction brought before the Privy Council; and

he is said to have attempted to deter Sandys from doing this "even by threats of blood."

Within less than a week after the matter of the Treasurer in Virginia had been quieted, the Garland arrived from the Somers Islands with numerous letters. The governor, Nathaniel Butler, sent two to Sir Nathaniel Rich and one each to the Earl of Warwick, the Earl of Southampton, and the governor (Sir Thomas Smythe) and company of the Somers Islands; Miles Kendall wrote to Sir Nathaniel Rich and Sir Edwin Sandys; John Salmon to Thomas Grimsditch, and John Dutton to the Earl of Warwick. All of these letters mentioned the Treasurer as then being in the Somers Islands; but the matter was not reported to the Privy Council, or to the Spanish agent, by Sir Thomas Smythe, the governor of the Somers Islands Company.

When the new governor, Butler, arrived on the island (October 30), he found most of the negroes which had been brought in by the Treasurer (which came in not long before him) already received by "Mr. Rich's deputy, from Captain Ælford, and Thomas Foster, as belonging to the Earl of Warwick;" but knowing that the ship had been in question before he left England, he branded this "as an act of unworthy bouldness in Capt Argall, to use the Earl's name as a boulder to his unwarrantable actions. And so the people of her were all disposed of for the year to the use of the company 'till it could be truly known to whom the right lyeth." The fourteen negroes which had been given the former governor, Kendall, were claimed as having been left either by "a Dutch man-of-war," or by a Captain Kirby, and to this Butler gave way until he could hear from the company. These things were done in order to protect the Earl of Warwick, for "Ælfred and the purser showed the ship's book of accounts" to Butler, by which "he saw plainly how the earl was really engaged in the business." He also reported that the Treasurer was "rotten," and that the earl's other ship, the Warwick, had been wrecked, all of which may have been a part of the same subterfuge.

“Coming events cast their shadows before,” and this voyage of the Treasurer, which probably marks the introduction of negro slaves into this country, certainly caused a commotion then, not only in Virginia and the Bermudas, but also in England, Spain, and the Netherlands.

March 12, at the Virginia court, Thomas Howard, Earl of Arundell, was admitted into the company, and it was proposed to elect him to the Council at the next quarter court. Sir Thomas Gates passed five shares to Mr. Samuel Wrote, and Mr. Humphrey Reynolds five shares to Mr. Humphrey Slany.

The southern colony from time to time, since 1610, had been making fishing voyages to the northward, without any protest from the northern colony; but under Sandys the southern company began to license such voyages, thus implying some right to those fisheries, and the northern company regarded this act with disfavor. Although these fisheries were in the latitudes of North Virginia, that company had up to this time failed to secure by plantation a title of their own, under the charter of 1606, to any definite bounds. Therefore, in order to remove the cloud from their claim, Gorges and others resolved to petition for a new charter, which would make their title clear, by granting to them outright and unconditionally the definite bounds “from 40° to 45° of northerly latitude and so from Sea to Sea,” etc. The case was managed with much skill from the beginning. Gorges says: “Of this, my resolution, I was bold to offer the sounder considerations to divers of his Majesty’s honorable Privy Council, who had so good liking thereunto as they willingly became interested themselves therein as patentees and Councillors for the managing of the business, by whose favors I had the easier passage in the obtaining his Majesty’s royal charter.” The petition for this charter was presented to the Privy Council on March 13, 1620; they ask that their plantation may be called New England (as it had been named by Prince Charles) in their charter. It was referred by the

Council to the Duke of Lenox (Ludovic Stuart) and the Earl of Arundell for their opinions.

Members of the patriot party state that this move was in continuation of the increasing political opposition of the court party to the advance proceedings in the Virginia courts of their party. Wodenoth says that "Sir Ferdinando Gorges then governor of Plymouth and of the Court party by a new patent divided the plantation of New England [North Virginia] from the first undertaking [South Virginia] and [thereby] had greater compliance with the King and Court interest the more to divide the strength and weaken the power of the Councell and Company of Virginia [the patriot administration] residing in and about London. Which neverthelesse the wisdom of God hath made in these dayes [about 1645] to appear a blessing upon that undertaking."

Gondomar, the Spanish ambassador, returned to London on March 18. The *George* arrived from Virginia about the 23d, and Sir Henry Mainwaring wrote to Lord Zouch that "some of the Virginia tobacco had been seized because landed by night."

March 25, the Virginia court met, and Sir Edwin Sandys read some of the letters from Virginia, and informed the court of one Mr. King who was to go with fifty persons to Virginia, to set on foot iron-works. This court began the consideration of "The Actes of ye generall assembly in Virginia" of August, 1619, as well as three other things of main consequence. "1. To draught a charter of orders for the better preserving and nourishing of the emigrants, and preventing so great mortality among them. 2. For the care of the ship and goods, recently returned, and to dispose of them for their best advantage. 3. Of differences betwixt the Northern and Southern colonies." Sir Thomas Gates passed one share to Edward Palavicine.

The Earl of Arundell had previously informed Sandys of the petition for the New England charter, and as he "understood of some differences between the companies about

fishing," he desired Sandys to call the Council of the Virginia Company in regard to the matter, and this council now appointed Sir Edwin Sandys, Sir John Danvers, Mr. Edward Herbert, and Mr. Keightley a committee to manage the case. On March 26, they appeared before the Duke of Lenox and the Earl of Arundell, and there met "for the other side Sir Ferdinando Gorges and others, where disputing the matter before their Lordships they pleased neither to allow nor disallow entirely the one party or the other, but set down and ordered as seemed fittest to their Lordships." The special committee reported the result of the above meeting to the regular committee of the Virginia Company at a meeting held at Sir Thomas Smythe's house on March 28, and the secretary of the company was appointed to repair to Sir Clement Edmonds for a copy of the decision of their lordships. Sir Edwin Sandys, also, told the committee that Sir George Yeardley desired to have a navigation set up for the good of the colony, and nominated unto them as a fit man to conduct it one Marmaduke Rayner, who was well known to Sir Thomas Roe. (Rayner was the pilot of the man-of-war of Flushing, which came to Virginia in consort with the Treasurer. He had recently returned to Holland and had now probably reached England.) At this meeting Mr. Thomas Gibbs passed two shares to his two sons, Edmond and Thomas. Captain Bargrave passed two shares to Robert Briggs. Mr. Aliano Lupo was admitted for one share, and for three men more which he sent, one and a half shares (total, two and a half shares). Thomas Hodges passed three shares to Walter Eldred by will. The land of Henry Davies was allowed to Susan Hamond.

Sir Edwin Sandys had prepared a letter to be sent to Virginia with reference to Argall's case, which was read to a portion of the Virginia Council on March 25. The Council, having heard the general letter from Sir George Yeardley, had the whole (or certain parts of it) read publicly at the Virginia court on March 30. The letter

complained of sundry grievances done by Captain Samuel Argall, which partly concurred with some of the twelve articles which had been exhibited against him. Argall had formerly given in his answers to four of these; he now presented answers to the rest. It was determined to submit the case to four of the Virginia Council, — two for each side. Argall named Sir Nathaniel Rich, Sir Ferdinando Gorges, Mr. Recorder Heath, and Mr. Maurice Abbott, of which the company excepted against Sir Ferdinando Gorges and Sir Nathaniel Rich. The company named Sir John Danvers, Mr. Brooke, Mr. Gibbs, and Mr. Deputy Ferrar, of which Argall excepted against Mr. Brooke and Mr. Deputy. It is not possible to follow this case fairly. It was considered at many courts until Argall sailed on the expedition to Algiers in October, 1620, and for more than a year after his return in 1621; but it seems that nothing came of it.

The London Merchant, of 300 tons, with 200 persons, and the Swan, of Barnstable, of 100 tons, with 71 persons, sailed for Virginia in March. Captain George Thorpe sailed on the first-named ship.

John King, Bishop of London, delivered a sermon at Paul's Cross on behalf of Paul's Church, April 5 (N. S.), in which he mentioned, "Your English Colonie in Virginia (I named her the little sister that had no breasts) hath drawn from the breasts of this city and Diocesse a thousand pounds [equal to \$22,000] towards her church."

On April 10, Sir Ferdinando Gorges was one of the arbitrators chosen by the Earl of Warwick, in settling the differences between the said earl and the East India Company, regarding the taking of the Lion, Captain Thomas Jones (a ship belonging to the earl), in the East Indies.

At the Virginia court, on April 13, Sir Edwin Sandys said that "Sir George Yeardley had expressed a desire to have for his better directions the laws for government and magistracy, and Sandys requested the court, that as all the ships were gone and other business settled, they would

grant him so much liberty for his refreshing as to retire himself for three or four weeks into the country, in which time he would spend his studies in collecting and framing such laws as may agree so near as may be to the laws of this realm and his Majesty's instructions."

The Lady De la Warr passed twenty-five shares to Anthony Browne.

April 17, James I. appointed commissioners for garbling tobacco, the same as other drugs.

April 18, "at the Virginia Court intelligence was given that Mr Nicholas Ferrar the elder, being translated from this life into a better, had by his will bequeathed £300 towards the converting of infidel's children in Virginia," etc. Mr. Treasurer found the Acts of the General Assembly of Virginia in their greatest part to be very well and judiciously carried; but as they were to be ratified by a quarter court, the following committee was appointed "to draw them into head and to ripen the business that it might be in a readiness against the said court:" Sir John Danvers, Mr. Thomas Gibbs, Mr. Deputy Ferrar, and Mr. Brooke, of the Council, and Sir Thomas Wroth, Mr. Samuel Wrote, Mr. Berblock, and Mr. Cranmer, of the generality. And they were to meet as often as they pleased.

The Bona Venture, of 240 tons, with 153 persons, left England May 20; and early in the same month the Margaret returned from Virginia with letters from Yeardley to Sir William Throckmorton, from Dermer to Rev. Samuel Purchas, etc.

May 17, Sir William Throckmorton assigned his share (one fourth part) in Berkeley Hundred to William Tracy.

May 21, Sir Edwin Sandys reported to the court that owing to the long delay in getting the Bona Venture off, which had just sailed, he had not been able to do anything to the laws. Captain Bargrave passed one share to Elias Foxton, Sir Thomas Gates passed two shares to Edmond Hackett, one to Sir Edw. Lawly, five to Sir Walter Earle, one to Edward Clarke, and five to Christopher Earle.

Sir Henry Rainsford, Mr. Edward Herbert, and Mr. Bamford were added to the committee on the Acts of the General Assembly; and at the next court they were given until the quarter court in Trinity term to make their report. The order made by the Duke of Lenox and Earl of Arundell on March 26, gave satisfaction to neither the North or South Virginia Company, and it was now agreed by the Virginia court that a counter petition should "be exhibited to his Majesty from this Company — not to debar them from the immunities his Majesty hath freely granted them for matter of fishing."

May 25, a preparative court, as at most of the courts, had some question about tobacco before it. "In order to annihilate the intolerable fees granted by the Governor and Council of State in Virginia to John Pory the Secretary it was agreed in lieu thereof to have 500 acres allotted for him and his successors and to place 20 tenants thereon."

The Earl of Dorset passed ten shares to Mr. Henry Mainwaring; Captain Bargrave one each to John Thornbury, John Collet, gent., Thomas Collet, gent., Thomas Masterson, Captain Law. Masterson, and Augustine Linsell; Thomas Melling one share to John Cuff; Thomas Harris one to Thomas Combe, and Captain George Percy assigned four shares in Virginia to Christopher Martin.

The Easter term quarter court met on May 27, with over 150 in attendance. The following old indentures of land were passed under the seal again, after having a new covenant inserted for their maintenance of a minister: "1. The Society of Smyth's Hundred — which at a meeting amongst themselves (as Sir Thomas Smythe had agreed to part with his interest therein) had altered the name to Southampton Hundred. 2. Capt John Bargrave and his associates. 3. Capt. John Ward and his associates. 4. John Poyntz [Pountis] Esq, and his associates; and 5. John Berkeley Esqr. and his associates."

The Earl of Arundell, the Earl of Devonshire, and Lord Danvers were added to his Majesty's Council for the com-

pany. Sir William Cockayne, lord mayor, and Rev. John King, lord bishop of London, were admitted into the company. William Barrett, gent., passed a share to Sir Henry Crofts, and Mr. Abraham Cartwright a share to Mr. Chaloner.

Mr. Treasurer Sandys then made a report of what had been done under his administration, a large part of which was soon after published as a broadside, under the heading: "A Note of the Shipping, Men and Provisions sent to Virginia by The Treasurer and Company in the Yeare, 1619." Which was also included in "A booke called a Declaration of the state of the Colony and affairs in Virginia, with the names of the Adventurers, and Some adventured in that action," entered for publication at Stationers' Hall, July $\frac{11}{21}$, 1620. This court also signed and sealed the Charter of Orders, etc., which had been sent to Virginia by the Bona Venture, and this, also, was soon after published as a broadside.

The Easter term was the regular court for choosing the treasurer of the company for the following year, and the king (through his messengers, Mr. Robert Kirkham, one of the clerks of the signet, and Mr. Alderman Hammersley) requested the company to make choice of one of the following four: Sir Thomas Smythe, Sir Thomas Roe, Mr. Alderman Johnson, or Mr. Maurice Abbot, and no other. The company decided that "if they should proceed according to the limits of that message, they would suffer a great breach unto their privilege of *free election* granted by his Majesty's letters-patents, which they had rather lay down than to be deprived of that privilege." They deferred the election to the next Quarter Court, and "as it manifestly appeared that his Majesty had been much misinformed of the managing of their business this last year," a committee was appointed "to draft an humble answer to his Majesty's message, and to deliver to him a true information, as well of the former as of this latter year's business, beseeching also that his Majesty would be pleased not to take from

them the privilege of their letters-patents, but that it might be *in their own choice to have free election.*”

May 29, the Earl of Southampton, Viscount Doncaster, Lord Cavendish, Lord Sheffield, Sir John Danvers, Sir Nicholas Tufton, Sir Lawrence Hide, Mr. Christopher Brooke, Mr. Edward Herbert, Mr. Thomas Gibbs, Mr. Thomas Keightley and Mr. William Cranmer met at Southampton House and drafted the answer which they afterwards presented; but notwithstanding all their argument James I. “remained obstinately excepting against the person of Sir Edwin Sandys, declaring him to be his greatest enemy, and that he could hardly think well of whomsoever was his friend, and all this in a furious passion, returning the committee no other answer but *choose the Devil if you will but not Sir Edwin Sandys.*”

At a private meeting of the Virginia Council in June, the committee recounted their experience with the king just as it happened, but it was deemed advisable to make a varnished report to the next quarter court (July 8). Thus even the authentic records of the company reveal the royal influence.

On June 2, Sir Henry Mainwaring passed five shares to Sir Edward Sackville, and Anthony Irby two shares to Sir Nicholas Tufton.

Sir Thomas Smythe was again chosen governor of the Somers Islands Company at their court on June 3, at which time Sir Edwin Sandys attempted to make a speech, but was stopped by the court. He stated this fact at the Virginia court on June 10, and said that “he had intended to protest against the making another Algiers of those islands, which were now so much frequented by Dutchmen-of-war and pirates, even a minister [Mr. Lang] there justifying the robbing of the Spaniard as being limb of Antichrist.” And, therefore, being a business of state, at his suggestion committees were appointed by the Virginia Company, one “to see Sir Thomas Smythe, the governor of that company, and have him acquaint his Majesty’s Privy

Council therewith; and another to repair unto the Lords [Privy Council] at such time as they know of Sir Thomas Smith's resolution." Thus the Privy Council were to be informed either with Smythe's consent or without it. In the general letter from the Somers Islands Company to Governor Nathaniel Butler, they write, "we are here accused and charged by *the state* to be accessory to Pyracye." They warn them against Captain Powell and others like him, and order "all the negroes left there by Capt. Argall's ship and the other pinnace, to be delivered to the Earl of Warwick's officers, and the marriners of the Treasurer to be sent home."

On June 10, Sir Thomas Gates passed three shares to Sir Henry Rainsford, and three to Edward Morgan; Lady De la Warr passed one share to William Waller.

June 17, Sir Edwin Sandys wrote to the Marquis of Buckingham: "I understand, by the late boasting of Sir Thomas Smith and his partizans of their sedulous endeavour, by a cloud of untruths, to make a fresh interposition between the most joyful light of his Majesties favor, and the darkness wherewith myself and my service rest yet obscured." He goes on to defend his course against Sir Thomas Smythe and his party; compares what he had done with what Smythe had done in the Virginia business; is willing to retain the place of treasurer for another year; asks Buckingham to repatriate the long exiled in his Majesty's favor, and expresses a loyal heart to his Majesty and to Virginia.

The Pilgrims had been for some time coming to an agreement with Mr. Weston, Mr. Pierce, and others, about going to Virginia, and they were now making final arrangements, all of which have been fully described by the historians of New England, and therefore I have not repeated them.

At the Virginia court, July 3, Sir Edwin Sandys reported that the *Bona Nova* had returned from Virginia with very good news; that the plantation enjoyed peace, health, and plenty. He also told the court that Dr. Winston and him-

self had found it very difficult to collect all the adventurers' names from the beginning to be put in print. This is the list already mentioned in the reference to "A Declaration of the State of Virginia."¹

At this court Sir Thomas Gates transferred 34 shares: 14 to Sir Philip Carew (Cary), 5 to Mr. Francis Chaloner, 3 to Mr. Henry Box, 2 to Mr. Tho. Vyner, 2 to Mr. William Swayne, 1 to Mr. Arthur Swayne, 1 to Mr. Thomas Swayne, 1 to Mr. Anthony Biddolph, 1 to Mr. George Clarke, 1 to Mr. William Watson, 1 to Mr. Richard Greenway, 1 to Mr. John Lawrence, and 1 to Mr. Thomas Stubbins. Mr. John Halsey transferred four shares, one each to Mr. Richard Lambe, Mr. John Lambe, Mr. John Budge, and Mr. Thomas Witherall. Captain Bargrave passed one share to Mr. Philip Jermyne. Lord De la Warre passed five shares to the Earl of Southampton. David Bennett was admitted for three shares. The Earl of Southampton passed five personal shares: 2 to Mr. Thomas Riseley, 1 to Mr. Porter, 1 to Mr. Philip Gifford, and 1 to William Smith. Mr. Harper passed one share to Mr. Whitecombe. Sir Francis Pavington passed one share to William Pollard and one to Henry Hickford, and Henry Hickford passed one share to John Martin.

The king's opposition to Sandys had caused anxiety, but at the preparative court, July 6, the Earl of Southampton consented to serve as treasurer, and this raised the spirits of the patriots.

The term of Sir Edwin Sandys as treasurer expired with the election of the Earl of Southampton at the Trinity quarter court, July 8; but he continued to have much to do with the management of the enterprise.

The minute particulars increase the length of the narrative; but in order to understand this formative movement fully, it is of real historic importance to give the details whenever this can be done with an assurance of their accuracy.

¹ It is reprinted in Force's *Collections of Historical Tracts*, vol. iii. no. 5.

II

VIRGINIA, NOVEMBER 28, 1619 — NOVEMBER 28, 1620

SIR GEORGE YEARDLEY, GOVERNOR

THE *Bona Nova*, John Johnson, master, stopped while on her way to Virginia at "the Savage Islands," in the West Indies (probably the Bahamas, one of the resorts for pirates, and to which the Treasurer sailed from the Bermudas). While there Captain Kirby went on board, and afterwards told Captain John Powell that "if he had known so many of her men had been ashore and so few aboard, he would have carried her away without fail." She reached Virginia December 4, 1619, with 50 tenants for the college lands and 50 for the company's land, all in health. She also brought "a communion cup with the cover and case. A plate for the bread of silver guilt. A carpet of crimson Velvet with a gold lace and fringe; and a linen damask Table-cloath, all valued at £30, which a person unknown had given for the use of the Colledge."¹

The *Margaret*, of Bristol, which sailed from "King-rood," England, September 26, made land on December 8, and "landed in a good harbour at Keeketan," in Virginia,

¹ At the court held at James City, February 19, 1628, Temperance, Lady Yeardley (her husband, Sir George Yeardley, in whose charge they had been, was buried November 23, 1627), delivered up the following "guiftes formerly sent out of England and given to ye use of ye Colledge, viz.:

"1. Communion Silver Guilt Cupp & two little chalices in a cloth of gold cover.

"2. One Crimson Velvet Carpet with a gold & silver fringe.

"3. One white damaske Communion Cloath with buttons.

"4. Fower divinity bookes with brasse bosses." These were presented to the company in November, 1620, and were sent to the colony at some time thereafter. One was a treatise of St. Augustine of the City of God translated into English; the other three great volumes were the works of Rev. William Perkins (1558-1602), a Calvinist divine, "newlie corrected and amended."

on December 10. Four days thereafter the captain received the following certificate:—

“TO THE TREASURER COUNSELL AND COMPANY OF ADVENTURERS AND PLANTERS OF THE CITY OF LONDON FOR THE FIRST COLONY IN VIRGINIA:—

“Theis are to certify That in the good ship of Bristol called The Margaret this present iii^jth [4th, O. S.] day of December 1619, arryved in this port of James City for plantation here in Virginia at the charges of Sir William Throk-morton Knight and Baronet, Richard Berkley, George Thorpe and John Smyth Esquiers, under the conduct of John Woodleefe Esq^r. theis thirty and five persons all in safety and perfect health whose names ensue.

“Toby Felgate gent [pilot], Ferdinando Yate, gent. [who wrote an account of the voyage], John Blanchard gent, Henry Pearse gent, Richard Godfry, Thomas Cooper [or Coopy], Rowland Painter, John Cole, Humphry Osborne, Humphry Plant, Thomas Davis, Christopher Nelme, Samuel Cooper, William Cole, Thomas Pearse, Thomas Denton, Christopher Burton, William Parker, John Hurd, William Patche, Thomas Patche, Thomas Sanford, William Stone, John Jones, Richard Sherife the elder, Richard Sherife the yonger, Edward Paynter, Charles Coyse, James Clay, William Clement, Stephen Torphet, Thomas Molton, John Taylor, Walter Hampton, Thomas Thorpe — 35.

“This certificate I affirme to be true.

“CHARLES CITY, *December.*
14th 1619

“GEORGE YARDLEY.

“JOHN POREY, secretary.”

These were the first settlers of the town and hundred of Berkeley¹ on James River (the landing-place for this plantation is now known as Harrison's Landing) under the management of Captain Woodliffe, with regular ordinances,

¹ See Bulletin of the New York *Papers, 1613-1674*, relative to this Public Library for March and July, plantation.
1897, for reference to *Smyth of Nibley*

directions, and instructions from the four associates aforesaid, for the managing the business. They also sent a letter to the governor offering him a share in their venture, and one from Sir Edwin Sandys, of which the following is a copy : —

“TO MY HONORABLE FREND S^r GEORGE YARDLEY, KNIGHT, GOVERNOR OF VIRGINIA. Sr : — I comend unto your good favor and care the begininge plantation of Sr. William Throkmorton and Mr George Thorpe (who is of the Counsell) with other gent their associates, who send to you by this ship fifty persons to that end. Their desire is that they may be well placed and have such other assistance as their case shall need, and your place with your experience can best afforde. You shall hereby much bind them in love to you and make me also beholden to you for their sakes. Soe with hartieth comendations I rest.

“Your assured loving frend EDWINE SANDYS.”

“LONDON, 3. *August*. 1619.”

In compliance with these requests the governor located the plantation in a very good and convenient place on James River, which still retains the name of “Berkeley.”

Captain Ward went to trade with Japazus, king of the Potomacs, in the fall ; but “the people there, are said, to have dealt falsely with him, so that he took 800 bushels of corne per force” and returned to Jamestown in December.

The George left Virginia early in January, 1620, with a letter from Captain Thomas Dermer, written at Captain Martyn’s plantation, on January 6, to Rev. Samuel Purchas, telling of his voyage to North Virginia and thence to South Virginia, etc. Also with letters from Governor Yeardley to the Council for Virginia in England ; telling them “of the great mortallitie which hath been in Virginia, about 300 of ye inhabitants having dyed this last year ; but for ye people sent in the Bona Nova they are aryved in health, are all living and prosper well applying themselves

with the rest according to direction to the building of the houses, tilling of the ground, planting silkgrass, etc ; wished a navigation set up for the good of the Colony, and recommends Marmaduke Rayner [the pilot of the man-of-war of Flushing] to be placed in charge of it," etc. Captain Roger Smith and Captain Maddison went to England in this ship to make complaints against the governor.

Governor Yeardley wrote from Jamestown, on January 20, 1620, to John Smith of Nibley : —

“ RIGHT WORSHIPFULL — Yours from Bristoll dated Septemb; 9, 1619, I have received from Captaine John Woodleef, whom accordinge to your desire, I have planted in a very good and convenient place. Against which act of mine it may be, Captaine Francis West brother to ye late right honorable my Lord La Warre (according to some false information from hence) will there in England take some exception, as if I had seated your people upon parte of that land which he the last summer designed for the right honorable my Lo la Warre now livinge. Which if he do you may upon mine affirmation boldly-reply that Mr. West is misinformed, and that ye land I have made choyse of for you lies above [Westover] that which he had appointed for my Lord, more towards West and Sherley hundred and towardses Charles Citty, and also that he had not before his departure obtained any grante from me of that which he did lay out.

“ For joyning with you presently in Adventure, though I give you many thanks for your favor, in admitting me one of your Society, and would as gladly partake with you as with any so well in ye Company, yet such now is partly my publique employment, and partly my engagement to bring out of England at my own chardge 25 men this yeare to furnish Smyth hundred, as I must beseech you to excuse me, If I cannot at this time make use of that speciall favor of yours. Hereafter it may be, when God shall give me ability and leysure, I shalbe more forward to accept

your Curtesy. In ye meane while you shall find me as ready for your sakes to assist Captaine Woodleefe at all assayes, as if mine adventure were allready in your Cashe.

“So wishinge you all and your people here in Virginia ye happines of a newe Yeare, I rest

“Yours verie ready to doe you service

“GEORGE YEARDLEY.”

“JAMES CITY

Jan. 10th 1619.”

The account of the voyage, from 26th September to 10th December, 1619, written by Ferdinando Yate to George Thorpe of Wanswell, and John Smith of Nibley, is prefaced with the statement that they were then following their “daiely husbandtrie—sum to clering ground for corn and tobacko, sum to building houses, sum to plant vines and mulberie trees,” etc. “This honorable attempt of planting in this cuntrie which I make noe doubt with god’s assistance, wilbe a benifit to yourselves and posteritie; a good to the Commonwelth of England; and in time, a meanes to convert these poore faithles Indeans.” It concludes with: “If I had the eloquence of Cesero or the skillfull art of Apellese I could not pen neither paint out a better praise of the Cuntrie then the cuntrie itselfe deserveth.”

Yeardley’s letter and this account of the voyage were sent by the Margaret, which sailed within a few days. This ship also carried other letters to the four founders of Berkeley in England, some of which caused them to become dissatisfied with the governor of their plantation (Woodliffe), whom they thought was not observing their directions, and was sending them false news; as they express it, “was guilty of the old Virginian trick of surprise of lettres.”

January 29, 1620, Richard Birchett, an old planter, sold his share of land to Thomas Bouldin of Elizabeth City.

March 2, William Bailey was granted his share of land in Hog Island.

March 8, John Laydon, an ancient planter, was granted

one hundred acres of land in the island of Henrico, by Governor Yeardley. About the same time, Thomas Read was granted one hundred acres of land, situated in Coxendale, over against the island of Henricus, a part of which was called Mount My Lady (Mount Malady?), for his eight years' service in Virginia.

On August 14, 1619, the governor had prorogued the General Assembly till March 11, 1620, and I suppose that it met about that time, but the records have not been found. Beverley, in his history of Virginia, says that the first "General Assembly was held at Jamestown in May, 1620, and that the Burgesses sat in the same house with the Governor and Council, after the manner of the Scotch Parliament." This may have had reference to the second meeting.

A census of the colony was taken, generally, just before the meeting of the General Assembly (possibly on the day of election). An account was kept by "the Secretary of Estate" of all arriving in the colony; and by the ministers of all christenings, burials, and marriages, which were reported once a year, namely, in the month of March, in the beginning of which month, in 1620, there were by the census 887 persons in Virginia.

Captain Thomas Dermer sailed in his bark from Virginia to the north early in the spring, and the *Bona Nova* sailed for England about the same time, "with the very good news, that the plantation enjoyed peace, health, and plenty."

Cornelis Jacobsen May, the Dutch sea-captain, was in the Chesapeake Bay in 1620, and probably about this time.

The *Duty*, of seventy tons, John Dameron, master, sent expressly for his Majesty's service with fifty of those whom the king commanded Sir Edward Zouch, knight marshal, to send to Virginia, arrived in May. The company had expended £100 for their appareling and furnishing, which was to be refunded by their masters in Virginia. They came to be known in Virginia as "the *Duty Boys*."

The *Jonathan*, of 350 tons, Captain Thompson, which left England with 200 persons, including many maids for wives, after a tedious passage in which above sixteen died, arrived in Virginia in May or June. Mrs. Christopher Newport, the widow of "Our Captaine," sent six men by this ship at her own charge, to be placed on her lands in Virginia. The ship was engaged in the Newfoundland, or North Virginia, fishing business, as many others were which were now to be employed in bringing emigrants to Virginia. It cost the company about £12 10s each to transport emigrants on specially employed ships; but as these fishing ships had been going out nearly empty, they agreed to take the emigrants to Virginia at £6 each. They sailed thence to the northern fisheries, where they loaded with fish for England, or elsewhere.

The London Merchant, of 300 tons, William Shawe, master, which left England with 200 persons, including Captain George Thorpe, "a gentleman of his Majesty's Privy Chamber, and one of his Council for Virginia, sent out as deputy for the college lands,¹ who hath promised with all diligence to have exceeding care thereof," and some more maids for wives "for the making of the men feel at home in Virginia," arrived in June, and about the same time "the Triall, of 200 tons, Edmunds, master, which left England with forty persons and sixty kine."

In 1620, Ensign Rossingham was sent by Governor Yeardley to Newfoundland to trade tobacco for fish, and made a profitable return to the governor. This was probably the "small boat of fifty or sixty lasts, with six guns," that De Vries saw near Cape Race on August 4, "which had come out of the Virginias with tobacco, in order to exchange the tobacco for fish."

The following ships arrived in August or September: the *Falcon*, of 150 tons, which left England with thirty-six persons, fifty-two kine, and four mares; the *Swan*, of

¹ In lieu of wages to the deputy for 300 acres, with ten tenants; to be perpetually belonging to that place.

Barnstable, of 100 tons, which left England with seventy-one persons, and the Francis Bona Venture, of 240 tons, which left England with 153 persons. This last ship brought "the Charter of orders for the better preserving and nourishing of the emigrants," etc. It expresses "the great grief in the Company over the mortality which this last year hath wrought upon the people, to the consumption of divers Hundreds, and almost the utter destructions of some particular Plantations. Which is attributed to the chastisement of God for the numerous sins of the Company and colonists, and urging the more carefull observations of his holy laws to work a reconciliation."

"Yet observing on the other side, that this mortality hath proceeded from a disease in itself not mortall, and accordingly hath most wrought upon the *new Plantations*, who (contrary to our hopes and intended provisions) were destitute of those meanes, which should have relieved and cherished them in their sickness, of which the *ancienter Inhabitants* being provided, did recover: We therefore, according unto our place and Christian duty, taking into our carefull considerations the redresse and prevention of these defects in all future times: That both the Colony may better attend the service of God, and that the people now sent, and which hereafter shall come, may be the better provided against that, and the like sicknesse, (seeing *in the health of the People, consisteth the very life, strength, increase, and prosperity of the whole generall Colony*) doe with mature deliberation and *Unanime* consent, ordaine, and establish as hereafter followeth:"

"First, in each of the four ancient general Boroughs:—James City, Henrico, Charles City, and *Kicowtan* (which hereafter [in reply to the 6th petition of their General Assembly of August, 1619] shall be called *Elizabeth City*, by the name of his Majesties most vertuous and renowned *Daughter*) as also in each of the particular Plantations, a *Guest-house* [hospital] shall be built, for the lodging and entertaining of fifty persons in each, upon their first arrival.

Said houses to be raised in wholesome places, each shall be 16 feet broad within, and 180 feet long (unless it seem good to divide that length into two houses), with 25 beds of four foot broad, six foot long, and two foot height from the ground in equal distance and with partitions of boards between; Five conveniently placed chimnies for fire, and sufficient windows for wholesomness of air — And for the encouragement of these buildings the Company will give each Borough two Kine or Heifers.

“ For the service of God; to prevent their own everlasting destruction, and to allure the Heathen people to submit themselves to the Scepter of God’s most righteous and blessed Kingdome. Each of the four General Borough’s was to have at least one Godly minister, to be appointed and maintained by the Company — as likewise the public land; in every Borough each particular plantation was to maintain at least one minister at the expense thereof; the Governor to provide a minister for his tenants and the College for theirs.” “ All which Ministers and their Successors, we earnestly pray and require to apply themselves with all diligence to the training up of their charge in the way of righteousness, as the same is *now professed, and by Law established in this Church of England, and other his Majesties Dominions, avoiding all factions, and needlesse Novelties, tending onely to the disturbance of peace and unity.*”

Each minister was to have furnished him six tenants for his 100 acres of glebe land.

“ And as the wealth, happiness and stability of each particular Estate is founded upon the strength and prosperity of the publike, the Governor and Council with the whole body of the Colony were urged to be aiding and assisting in every way to the 600 persons now sent, and others hereafter to be sent, for publike use.

“ Lastly, as the planting of Tobacco, to the neglect of other more solid commodities, redounded to the great disgrace of the Country and detriment of the Colony; the

company had endeavored to set up sundry real commodities and thought fit to recommend others to them. *First*, Iron, being of most necessary use for the Colony, for the making whereof 150 persons (110 out of Warwickshire and Staffordshire and 40 out of Sussex, all framed to Iron Works), to set up three Iron works were sent, with all Materials and other provisions thereunto belonging. *Second*, Cordage, for which they commend the cultivation of Silk-grass; *Thirdly*, Pitch and Tarre, Pot-ashes and Sope-ashes; *Fourth*, Timber of all sorts; *Fifth*, Silk; *sixth* Vines, and *lastly* Salt. The Governor was to take steps at once to renew the Salt-works formerly set up by Dale on Smith's Iland. Taking for the purpose 20 of the Company's tenants, each of whom were to be allowed for their occupation or use, 50 acres of land within the same Iland, to be the Land of the Company." "The one moiety of Salt, Fish and profits of the Land, shall be for the Tenants, and the other for us the Company, to be delivered into our Store: and this contract shall be to continue for five years." The boroughs and other plantations had the privilege of making salt, etc., "with the same divisions of profit between them and their landlords."

All the forementioned commodities were desired to be set up with all care and diligence, and suggestions about the advancing of each were given. And it was earnestly desired that all parties interested should bend together their efforts in all ways for the advancing of the good of the colony in every way.

Two ships with three hundred persons, sent out by particular adventurers for private plantations, arrived in Virginia probably in August or September; I have not the details of these expeditions.

During the summer a vóyage was made by Mr. Marmaduke Rayner to the southward to Roanoke; another by Ensign Thomas Savage "in the great bay, wherein is a relation of a great trade of furs by Frenchmen; a third, by Capt Thomas Dermer from Cape Charles to Cape Cod,

up Delaware and Hudson's river, being but 20 or 30 leagues from Virginia and within their limits [as they supposed], within which rivers were found divers ships of Amsterdam and Horne, who yearly had there a great and rich trade for furs."

The relations of these three voyages were sent to the company in England. It seems that Dermer had previously (on July 10) written a relation, probably to Sir Ferdinando Gorges, from North Virginia, telling him of the Hollanders in Hudson River. He was afterwards wounded in an affray with the savages; went to Virginia to be cured of his wounds, where "he had the misfortune to fall sick and die of the infirmity many of our Nation are subject unto at their first comming into those parts." When he arrived in Virginia he moved "the Governor and Council of State there earnestly to solicit and invite the Company in England to undertake so certain and gainful a voyage as the Hudson river furr trade," and his suggestion was adopted.

The Hudson River was in the bounds claimed for the crown of England under the Royal Charter of 1606; but it was not really in the bounds granted to the South Virginia Company in either of their charters. The northern company had failed to secure by plantation their one hundred miles square of land, but they were now endeavoring to strengthen themselves by a new charter, including the royal claim north of the southern grant, which was soon after granted; and this did include the Hudson River and points north of 40° north latitude.

One or more ships left Virginia with the accounts of the safe arrival of nearly all those sent in the last spring, and also, without doubt, of the great mortality of the last summer; but for very good reasons this fact was not read out in the Virginia courts, nor is it found in those records. It was truly said in "the charter" recently received in Virginia that "in the health of the People consisteth the very life of the Colony;" and the great mortality in the colony

was the paramount difficulty, the real cause of the continued charges and countercharges of mismanagement, the cause of misleading statements from the first and all sorts of subterfuges for concealing the facts, when really all known means, both under the administration of Sir Thomas Smythe and after, had been and were most earnestly resorted to for removing this trouble, but without avail, because the only specific (quinine) was then unknown. No human being was to blame; and even if the managers did make errors, as all human beings do, their efforts were for the best according to the lights before them, and mortal man can do no more. Although Sir Edwin Sandys had sent this year "the meanes (which [he thought] should have been sent before) to relieve and cherish them in their weakenesse," according to his best belief and under the best medical knowledge of those days, the death rate, especially among the newcomers, had been greater during the last season than at any time in the history of the colony: of some 1200 sent about 1000 died *en route* or in Virginia.

It might have been more interesting to some if I could have gone more into the details as to the first modes of treatment of the new diseases (contracted from the Indians, generated by the climate, etc.) of the new world; but, as with so many other important matters in the premises, I have not adequate evidence to enable me to do so. There is, however, sufficient to show that these matters were under the proper management of the leading men of that day in matters of that kind, and that some of those who came to Virginia were men of distinction in the medical profession. Brief sketches of several of them are given in "The Genesis of the United States."

III

ENGLAND, TRINITY COURT, JULY 8, 1620 — EASTER COURT,
MAY 12, 1621

*HENRY, EARL OF SOUTHAMPTON, TREASURER; MR. JOHN
FERRAR, DEPUTY-TREASURER*

THERE were two meetings of the quarter court on July 8, one in the forenoon and the other in the afternoon. Lord Houghton, Sir Edward Sackville, Mr. Samuel Wrote, Mr. Thomas Keightley, Mr. Thomas Sheppard, Mr. Robert Smith, Dr. Winstone, Dr. Gulstone, the Earl of Dorset, the Earl of Huntington, and Mr. Doctor Anthony, were added to his Majesty's Council for the company in England. And Captain George Thorpe, Thomas Newce, William Tracy, John Pountis, David Middleton, Mr. Bluett, of the iron-works, and Mr. Horwood, the chief of Martin's Hundred, were added to the Council of State in Virginia. The three doctors now added to give their counsel to the company, with special reference to the sickness in Virginia, were among the most distinguished medical men of that day. The auditors chosen were, for the company: Sir Edwin Sandys, Sir John Danvers, Mr. John Wroth, Mr. John Ferrar, Mr. Thomas Keightley, Mr. Henry Briggs (the celebrated mathematician), and Mr. William Cranmer; and for Sir Thomas Smythe: Mr. Maurice Abbott, Mr. Humfrey Hansford, and Mr. Anthony Abdy. The former secretary, Mr. Fotherby, was allowed to resign, and Mr. Edward Collingwood was elected to the place. Mr. William Webb was again elected husband, and Mr. Francis Carter, beadle. Mr. James Bagge had five shares given him. The daughter of the late Sir Ferdinando Wenman was allowed eight shares, — four for the £100 adventured by her father with Lord De la Warr and four for the adventure of her father's

person. He was the second son of Sir Thomas Wenman, of Thame Park, by his wife, Jane West; matriculated at Oxford, 8th December, 1587, aged twelve; B. A. from Balliol College in April, 1592; died in Virginia in 1610. His brother, Sir Richard, was created Viscount Wenman in 1628. Francis Carter passed two shares to Toby Palavicine, and John Gray two shares to Richard Baynam.

“Sir Edwin Sandys the Treasurer now the second time surrendered his place.”

“The Earl of Southampton acquainted this court that himself with the rest of the Lords and Gentlemen, requested thereunto by the last quarter Court [May 27], had presented their humble desires to his Majesty for the free election of their Treasurer. Whereunto his Majesty had most graciously condescended, signifying unto them that it would be pleasing unto him if they made choice of such a one as might at all times and occasions have free access unto his Royal Person. [This Sir Edwin Sandys had not.] And further declaring it was the mistaking of the messenger having not received the message immediately from his own royal mouth, to exclude them from the liberty of choosing any but the four nominated, whom his Majesty’s intent was indeed to recommend, but not so as to barr the Company from the choice of any other.”

“Whereupon, the whole court rendered to his Majesty all humble thanks, and ordered that, by writing, it should be signified unto his Majesty.”

Mr. Edward Herbert then placed the Earl of Southampton in nomination, and, there being no opposition, he was chosen treasurer for the next term by erection of hands, and took his oath.¹

Mr. John Ferrar was then reelected deputy-treasurer by ballot.

Mr. John Ferrar, in his life of his brother, gives an

¹ It will be observed that neither of the four recommended by the king was even considered. And it will be noted that these Virginia courts seldom even made more than a pretense of complying with the king’s wishes.

account of this election, in which he seems to get the quarter courts of May 27 and July 8 confused, as it does not agree with the account given in the records; but it is evident that the company grounded their right to free elections, both in the company and in the colony, on their letters patent, or charters, of 1609 and 1612.

At the preparative court of the company at Sir Thomas Smythe's house, on July 6, Mr. Canning, Mr. Essington, and Alderman Johnson had presented petitions criticising the management of the enterprise during the past year and praising the former administration. Mr. Canning's petition was presented to the quarter court (July 8) by Sir Thomas Smythe. Thus the old administration party was now beginning to find material with which to strike back at the party in power; nevertheless it is really one of the strong points of a republican form of government that one party has to act constantly under the eagle eye of the other.

At the Virginia court, on July 17, Sir Edwin Sandys submitted very important "Propositions considerable for the better managing of the business of the Company and advancing of the plantation of Virginia in this year, 1620." The purposes of each proposition were outlined and special committees were to be appointed to see that each was properly carried out.

First, he proposed to press the cases against Sir Thomas Smythe and Captain Samuel Argall.

"*Second*, four ways of getting in moneys: by lotteries; by debts due on subscriptions; by debts due on account, and by the collections of the bishops.

"*Third*, the employing of these moneys to the benefit of the plantation, which is to be done in three kinds, — in supplies of people; in supplies of cattle of all sorts, and in setting the best commodities." Among "the best commodities" was fishing, under which there were two propositions: "First, to set up Mr. Pountis *again* by making up a stock of £1,000, whereof the one half to be from

those foreign adventurers,¹ a fourth from the Company, and a fourth from Southampton Hundred. Second, by general petition unto his Majesty to preserve the fishing at Cape Codd free and indifferent to both the Colonies, as was intended in the first patent."

"The *fourth* and last matter, but of great difficulty and chief importance was the establishing of good government [for the new nation] in the Colony for *religion, justice* and *strength*, together with their effects—*peace, plenty* and *prosperity*. This part requireth the serious consultation of the Council and the great labour of learned committees, that, being reduced into a body of laws and magistracy, it may be first presented to His Majesty's view, and, being there approved, may receive confirmation also of a Quarter-Court and lastly the assent and ratification of the Colony." Under this Sandys proposed: "First, That such laws of England as were necessary or fit for the plantation should be selected by a committee composed of: Sir Thomas Roe, Mr Christopher Brooke, Mr John Selden, Mr Edward Herbert, and Mr Philip Jermyn. Second, That such laws contained in his Majesty's letters-patents and Instructions; the company's orders, constitutions, charters, commissions and instructions already in being; and lastly in *the orders made by themselves in their General Assemblies*, as were fit to be made permanent, etc, should be selected by a committee composed of, Sir Edwin Sandys, Sir John Danvers, Mr John Wroth and Mr. Samuel Wrote. Thirdly, Of the particular government by way of incorporation for every city and borough," which was "to be for all of one and the same model uniformity, being not only a nourisher of amity, but also a great ease to the general government." This was to be perfected by a committee, "expert in the government of the corporation of London and other cities of the realm, who were to frame out of the laws of those cities a form most fit for that people, namely: Mr. Robert Heath, recorder of London; Mr. Robert Smith

¹ Who were they?

[one of the four attorneys in the mayor's court], Mr. Nicholas Ferrar, Mr. William Cranmer, and Mr. George Chambers."

For matters of religion the company were to desire direction from the archbishop of Canterbury and the lord bishop of London, both being of the company, the lord bishop being of the Council also.

The company had made an agreement for fortifying the colony, under advice from Sir Horace Vere, General Edward Cecil, and Sir Thomas Gates, with "Mr. Englebert;" but for military discipline the following were to formulate the requisite regulations: Sir Edward Sackville, Sir Dudley Digges, Captain Bingham, Captain Edward Masterson, and Captain John Bargrave. Sir Edwin Sandys estimated the charges of his whole project at £17,800, and shows how £18,000 (\$400,000?) may be raised to meet them.

The king gave a patent to Sir Thomas Roe and his partners, to take effect on July 20, for the sole sealing, importing, engrossing, and selling of tobacco. This was a monopoly soon to be complained against by the Virginia company.

July 22, the Earl of Southampton told the Virginia court "that he had received a gracious answer from his Majesty concerning their petition against the restraint of tobacco, who was pleased to affirm that it was never his meaning to grant anything that might be prejudicial to either of those plantations," and therefore had referred the matter to the Privy Council.

July 28, Dr. Anthony purchased one share from Ambrose Austin and one share from Joane Dawkes' widow. Edward Kirby, a planter of Virginia, was admitted into the company. Richard Paulson passed one share to Mr. Andrews and one to Mr. Greene.

A committee was appointed to attend the Privy Council board on the 24th; and, on the 28th, the Virginia court took into consideration the treaty with the undertakers (Roe, etc.) for the sole selling of tobacco, and determined

that the whole 55,000 weight allowed to be vented in this realm by both the plantations shall be appropriated to that of the Somers Islands alone, while Virginia tobacco was to be taken to Flushing, Middelburgh, or other parts, to be vented there; and committees were appointed to treat with the United States of Holland and for making the best arrangements possible for the sale thereof.

Sir John Danvers and Sir Thomas Roe had been appointed, on July 17, to draft the letter to the king, asking him to preserve the fishing at Cape Cod free to both colonies. The letter was written, and afterwards indorsed, on July 22, by the Virginia court, then presented to the king, who referred this matter also to the Privy Council, which met on July 31, and "their Lordships after a full hearing of the allegations on both sides," ordered that "the South and North Colonies should fish at and within the limits and bounds of each other reciprocally, with this limitation, that it be only for the sustentation of the people of the Colonies there and for the transportation of people into either colony," etc.

On August 2, Lord Chancellor Bacon and others of the Privy Council wrote to Sir Thomas Coventry, the solicitor-general (then the acting attorney-general also) to warrant him to prepare the special charter for "the Adventurers of the Northern Colonie in Virginia."

"The official Note of Shipping," etc., sent during the first term of the Earl of Southampton as treasurer, prepared to be read at the Easter term of the Virginia court, 1621, states that "the Bona Nova of 200 tons, with 120 persons;" "the Elizabeth of 40 tons, with 20 persons," and "the Mayflower of 140 tons with 100 persons," were sent by the Virginia Company to Virginia in August, 1620. The Mayflower sailed August 15, but returned, and finally put to sea on September 16. In sending the Pilgrims to Virginia, Sandys was carrying out his plan for setting up a government founded on civil and religious liberty in the new world.

Berkeley, Thorpe, Tracy, and Smith of Nibley, in September, engaged from William Ewins his ship, the Supply, of Bristol (80 tons), Tobias Felgate, captain, to carry men and provisions to their plantation in Virginia. The ship sailed from Bristol, about October 5, with William Tracy and 48 others.

The Spaniards under Spinola having begun war on the Palatinate, James I. determined, in order to aid in defending the possessions of his son-in-law, to call a parliament and to appeal to it for support. Writs for the elections were issued November 23, 1620.

The king came to London on November 10, and left on the 13th, "yet in this short moment, he resolved on a Parliament." On Friday, November 13, he signed the New England Charter. It was a very remarkable document, and the first New England Council was a very strong one. A majority were then, or had been, members of the Virginia Company, which had taken "actual possession of the continent, in our name and to our use as Sovereign Lord thereof."

The day after the signing of this charter (November 14), at the Virginia court:—

"*Mr. Delbridge* desired the court, to take some present course that he might have free liberty to fish upon the northern seas as formerly they had done, from which, as he conceived, they were utterly debarred by the late grant from his Majesty to Sir Ferdinando Gorges and others.

"Whereupon, *Sir Edwin Sandys* did intimate unto the court that he was informed that Sir Ferdinando Gorges had procured unto himself and others a new patent, now passed his Majesty's great seal, wherein certain words were conveyed that did not only contradict a former order of the Lords of the Council, which their Lordships, after a full hearing of the allegations on both sides and set down in July last, by which this Company had yielded some part of their right to do them good, and therefore promised to fish only for their necessities and transportation of people in tender regard of the infancy of that plantation; but by this

new grant the adventurers of the northern colony had also, excluded those of the southern from fishing at all upon that coast without their leave and license, first sought and obtained, which was contrary and manifestly repugnant to that community and freedom which his Majesty by the first patent [1606], as is conceived, hath been pleased to grant to either colony.

“The Virginia Court, therefore, seeing no reason why they should loose their former right granted unto them by their first patent, the sea also being to all as free and common as the air, and finding less reason why Sir F. Gorges should now appropriate and make a monopoly of the fishing, which had already cost this Company £6,000 [about \$150,000 present values], . . . did with a general consent resolve to petition his Majesty for redress therein. . . . Whereupon, they appointed a committee to draw up the petition, . . . and as Sir Thomas Roe, said that he was the next day to go to the court, they desired him to present the same to his Majesty.”

When Sir Thomas Roe delivered this petition to James I., he said, “that if anything were passed in the New England patent that might be prejudicial to the Southern Colony, it was surreptitiously done, and that he had been abused thereby by those that pretended otherwise unto him.” “And his Majesty forthwith gave commandment to Lord Chancellor Bacon, then present, that if this new Patent were not sealed *for to forbear the seal*, and if it were sealed and not delivered that *they should keep it in hand till they were better informed.*”

November 21, there was a meeting with Lord Chancellor Bacon about the case, at which were present the Duke of Lenox, the Earl of Arundell, the Earl of Southampton, Mr. Secretary Calvert, and some others, who, after a full hearing, “ordered that the patent should be delivered to be perused by some of the Southern Colony, who were to make report of what exceptions they find thereunto at the next meeting.”

About the same time, the Earl of Southampton, the presiding officer of the Virginia Company, had a conference with Sir Ferdinando Gorges, and was convinced that the Virginia and New England companies would now accord, "for that it was agreed on both sides for some important reasons to renew *both* of their patents, which was promised should be done by mutual advice of the Privy Council." On November 25 Southampton and others were again "before the Privy Council Board to make report what just exceptions they had taken against New England's patent, whereby they had found themselves utterly excluded from fishing upon the north seas. Whereupon, and after hearing the aforesaid agreement with Gorges, their Lordships ordered — that while *the new patents were being prepared* — this patent of Sir Ferd. Gorges should be *sequestered and deposited in Lord Chancellor Bacon's hands (as undelivered,) according to his Majesty's expressed commandment*. And that the Virginia Company should, notwithstanding, go on fishing without loss of time upon the privilege of their former grants." And under the agreement between the companies the New England Company was free to do likewise.

"Nov. 14, Mr. Reynolds admitted and one Bill of adventure given him."

At the preparative court, on November 23, Mr. Delbridge passed two shares to his son; Captain Edward Brewster, four shares to Sir Francis Wyatt; Thomas Madocks, two to Mr. Stubbs; William Litton, Esq., three to Captain John Harvey; Edward Harrison, five to Raphe Fogg; the Somers Islands Company were granted 100 acres to a share and 500 acres for public land; Henry Rowland purchased one share from David Lloyd, and a personal share was given him; Richard Moreton was admitted for a personal share, and fifteen shares were given to Captain Tucker.

At the Michaelmas quarter court, November 25, "Sir Edwin Sandys told the court how careful Mr. Chamber-

lyn had been to compound with the States of Middleborough for the custom of the tobacco to be brought thither this year from Virginia.

“Mr. Caswell moved to solicit the Lord Mayor for one hundred more children to be sent to Virginia.

“Some of the Somer Islands company (as the Bermudas was sold unto them for a far greater quantity of land than they now find it to be) moved the Virginia Company to grant them a good portion of land in Virginia on that side of the coast as lies nearest to them, either at Ronoque southerly or elsewhere. To which request the Virginia Company yielded on conditions.”

John Smith of Nibley, M. P. for Midhurst, “acquainted the Earl of Southampton and the rest of the Council present that it was the humble suit of the generality unto them that they would please to enter into consultation and advise about such further privileges and immunities as were fitting to be moved at this next Parliament.”

The company had allotted 500 acres of land and twenty tenants for the support of a physician-general, and the court of December 23 agreed with Dr. Lawrence Bohun, who had previously practiced in Virginia, for that place.

The London Merchant, the Swan, and the Bona Venture returned to England from Virginia, via the northern fisheries, in December, 1620. And the Joseph returned from the Bermudas with Miles Kendall and another batch of letters about the negroes taken by the Treasurer, and the question was again agitated in the courts of the Somers Island Company. In the Virginia courts the Argall business had continued to occupy much time and to cause much contention; but early in the spring of 1620 (upon some compromise) it had been agreed therein that “the ship [the Treasurer] was to be excepted and no more spoken of in connection with the Virginia case,” and this agreement was complied with until the bitter dissensions of 1623 began.

The Margaret and John left England about January 11, 1621.

On January 26, 1621, the meeting of Parliament was prorogued to February 9, probably to give time for the deliberations of the council of war.

In 1620, probably early in that year, "the Right Honorable Lords and the rest of the Cownsayle and body polittique, for ye State of his majesties Collonye in Virginia," were petitioned by many of the first personal adventurers and planters (who were ready to return again upon favorable consideration of their petition), "that some eythar Noble, or little lesse in Honor, or Power may be maturely advised upon to maintayne and hold up ye dignitye of so great and good a cause," and appointed governor in Virginia. "We urge not this as willing to derogate from ye governor who nowe holds ye place, and hath succeeded the thrise Noble deseased Lo. La Warr, whose memorye for this business be evar happye, unto whom we suppose if an other Noble lyke himself might have risen up, this buisness would have fownd much willinger forwardness." They say: "We doubt nothing but you allowe it, an approved truth, that Great actions are carryed with best success by such commanders, who have personal authority and greatness answerable to ye action: Sithence it is not easy to sway a vulgar and servile Nature, by vulgar and servile Spirits; and surely in ye raising of so happy a state, as is hoped in ye Plantation of Virginia, all cannot be select, but some such whom only reverence of ye commanders eminence or Nobility (wherunto by Nature every man subordinate is ready to yield a willing submission without contempt or repyning) may easily persuade under those duties of Obedience: which authority conferred upon a meane man, and of one no better than selected out of their own Ranke shall nevar be able to compell." Those who signed the petition, "in behalf of themselves and many others," were: Sir Thomas Gates, Captain Francis West, Captain Samuel Argall, Captain Daniel Tucker, Dr. Lawrence Bohun, Captain Robert Beheathland, Captain Roger Smith, and James Swifte, ensign.

At the preparative court, February 8, 1621, the Earl of Southampton nominated Sir Francis Wyatt to stand for the election (at the next quarter court) of governor to succeed Sir George Yeardley, whose commission would expire in November next. This was duly done on February 10, the Hilary term quarter court, at which time he was also chosen one of his Majesty's Council for the company. The Earl of Southampton reported to this quarter court that the king had favorably received their letter sent by my Lord of Doncaster; "and touching their request to *renew their patent*, his Majesty was likewise pleased they should go to the drawing up of their book, being confident they would be careful to insert nothing therein that might be prejudicial either to his power or profit; for which cause his pleasure was that after they had finished the same, his learned Council might peruse it [James I. was now on the *qui vive*], which afterwards, according to their own desire, might also *be confirmed by act of Parliament*, for which most gracious and princely favour extended towards them, the court, with exceeding great joy and comfort, did generally testify their bounden thankfulness unto his Majesty, as likewise unto the Earl of Southampton and Viscount Doncaster, who had together taken so great pains and care in a business of so great importance unto them all."

At this court Sir Richard Bulkeley was admitted for two shares, and Mr. George Sandys passed two shares to Sir Francis Wenman. It was this knight who married Anne, third daughter of Sir Samuel Sandys, and sister to Lady Wyatt, and not his first cousin, Sir Ferdinando Wenman, as stated by Mr. Neill.¹

On February 13, Lord Chancellor Bacon, replying in Parliament to the new speaker, Sergeant (Sir Thomas) Richardson, and referring to the reign of James I., said:—

"Time is the only commender and encomiastique worthy of his Majesty and his government. Why time? For that

¹ See *The Genesis of the United States*, p. 1049.

in the revolution of so many years and ages as have passed over this Kingdom, notwithstanding, many noble and excellent effects were never produced until His Majesty's days, but have been reserved as proper and peculiar unto them. . . . They be in number *eight*. . . . [whereof] *Thirdly*, This Kingdom now first in His Majesty's times hath gotten a lot or portion in the New World, by the plantation of Virginia and the Summer Islands. And certainly it is with the Kingdoms on earth as it is in the Kingdom of heaven. Sometimes a grain of mustard seed proves a great tree. *Who can tell ?*"

In the House of Commons on February 16, Sir Samuel Sandys, in explaining the absence of Sir Edwin Sandys, stated that the cause of it was the Virginia business. "*A Patent now drawing about it. Desireth to excuse him till that business is over.*" But Sir Edward Gyles objected, — "Virginia not to keep him from England," — and the sergeant was to be sent for all the absent members of the House.

On complaint by the Commons House of Parliament to the king of the great abuse of the Virginia lotteries, the Privy Council, on March 14, 1621, ordered a proclamation for their suspension to be prepared for his Majesty's royal signature. It was signed on March 18, and afterwards printed as a broadside "by Robert Barker and John Bill, printers to the King's most excellent Maiestie," and distributed over England. This was a great loss to the Virginia Company, as the lotteries had been for some years the chief reliance for the funds with which to carry on the enterprise. Among the acts proposed to the Parliament for supplying the defect, was one for repressing the odious and loathsome sin of drunkenness, and for the restraint of the excessive prices of beer and ale. The act imposes penalties: one third to go to the company of Virginia, one third to the poor of the parish, and one third to the informer. But upon question of commitment it was refused.

“ March 29th 1621, Westminster — Warrant to allow the Farmers of the Customs certain defalcations from their rent of 1618, for Salt, Virginian Tobacco &c imported duty free. And for beer, cloth, lead, etc, for Virginia and elsewhere exported duty free. Total allowance — £1.774, 16s, 10½*d.*”

“ April 5th 1621. Warrant for allowance of defalcations from the rent of the Farmers of Customs for 1619, for salt and Virginian Tobacco imported, and for tin and beer exported duty Free — Total sum £180, 17s, 3½*d.*”

In July, 1620, Mr. Russell, “ the acmunist and chimist,” proposed to John Smith of Nibley to supply the colony of Virginia with an artificial wine to be made in Virginia from a vegetable which grew there; it could be made cheaply, easily, would keep well, and would not intoxicate. Russell asked £1,000 for it of the company; but on April 12, 1621, Sir John Brooke told Smith that “ of his own knowledge this wine was made of Sassaphras, & licoras boyled in water; he had of the drink.”

At the Virginia court of April 22, Mr. John Smith of Nibley “ moved, that forasmuch as the lotteries were now suspended, which hitherto had continued the real and substantial food by which Virginia hath been nourished, that instead thereof, she might be now preserved by divulging faire and good report, as she and her worthy undertakers did well deserve; declaring that it could not but much advance the plantation in the popular opinion of the common subjects to have a fair and perspicuous history¹ compiled of that country from her first discovery to this day, and to have the memory and fame of many of her worthies, though they be dead, to live and be transmitted to all posterities, as namely Sir Thomas Dale, Sir George Somers, Sir Wal-

¹ It is greatly to be regretted that such a history was not written, but the times were not auspicious. John Smith of Nibley would have written from the standpoint of the Sandys party, to which he belonged, and to which Captain John Smith was opposed. His

history might not have been published, but his motion must have opened the eyes of the company to coming events and to the necessity for preserving the copies of their records, which are invaluable to us now.

ter Raleigh, the Lord Delawarr, Sir Thomas Gates, and divers others."

Mr. Edward Bennett and Lady Berkeley were admitted at this court.

As we have seen in the settlement of the controversy between the New England and the Virginia companies, "it was agreed on both sides to renew both of their patents." The new charter for the Virginia Company had been taken in hand at once, and in February the king had been asked to consent to having it confirmed by Act of Parliament. At a Virginia court, March 4, 1621, Sir Edwin Sandys told the company "the occasion of their being assembled this day was to let them know how careful he had been in the drawing up of their *new patent, now presented to be read unto them.*" He assured them that "he had not omitted to insert therein such necessary cautions as would hereafter *secure and save them harmless against any proclamation or Patent that might (as heretofore) be procured to their prejudice, the same being once passed under the seal and confirmed by Act of the Parliament.*" Samuel Wrote, Esq., said that the change in the title from "The Treasurer and Company" to "The Governor and Company" might cause confusion in lawsuits, etc.; but the new charter was generally well approved of by those present. "Because the northern colony had to their territories given the name of New-England, Sandys thought fit that theirs did still retain the name of Virginia, for by this means all Virginia should be theirs." And the Virginia court desired that the lords might be entreated on the behalf of the company to procure the king's warrant to the solicitor-general to make the new charter ready for his Majesty's signature and "to hasten the dispatch thereof with some expedition."

The Virginia Council then wrote a letter to the king, "humbly entreating his Majesty's most gracious favour to renew their Patent, and that the same might be also confirmed by *Act of Parliament, the better to strengthen the plantation in general by engaging of the whole state in*

the interest and support of the action." It will be seen that the motives assigned to the company and to the crown, for having the new patent confirmed by Act of Parliament, were not the same.

This letter was delivered to James I. by James Hay, Viscount Doncaster, "and it pleased his Majesty to signify his gracious pleasure to Attorney-General Coventry for drawing up the same." To which end, Sir Edwin Sandys, Edward Herbert, Esq., and Mr. John Ferrar, presented "the draught of the new charter" to Coventry and explained it to him.

The attorney-general found objections at once; he said that "their new incorporation differing in name from the old did thereby imply two distinct corporations, and was not warrantable in law *unless they surrendered their former charters.*" This matter, however, he thought might be amended by himself. "*But*, Mr. Attorney General said, that he must have a special warrant to that effect from his Majesty, before he could insert those new clauses and additions, which they had made, into a new charter."

Therefore a petition was drawn to be presented to his Majesty asking for this special warrant, and on April 22 Sir Edwin Sandys told the Virginia court "that Lord Doncaster was pleased to undertake to present this petition unto his Majesty, and to solicit for answer touching their request."

Mr. John Smith of Nibley had had trouble about his plantation of Berkeley Hundred, in Virginia, and "requested this Virginia court to have authority inserted in the new patent which would enable the Quarter-Courts in England to punish the Governor of Virginia by fine or otherwise, if the ill-merit of his government should so deserve! But he was told that this could not be done, because the charter would have much ado to pass, with such a clause, the House of Parliament."

It was moved at the Virginia court of March 4, 1621, that his Majesty or "the House of Parliament" should be

petitioned against the great loss to the plantations sustained by the late proclamation and the grant of the sole importation of tobacco to certain patentees (Sir Thomas Roe and others). "The court therefore agreed to prefer a petition in the name of the Company of Virginia to the lower House of Parliament, and therein to complain of the former grievances . . . whereof they doubted not but they should find the redress as of many other Monopolies of like nature which the lower House had called into question, and by his Majesty's gracious permission intended utterly to extinguish." Sir Francis Wyatt, Mr. George Sandys, and Mr. John Ferrar were appointed to draft the petition.

The Commons committees for the business of the monopolies were Sir Dudley Digges, Sir Thomas Crew, Sir Edward Coke, Mr. Hineage Finch, Mr. William Hakewell, and Sir Edwin Sandys.

The country people were complaining of the great scarcity of money and the low prices for farm products, attributing these things largely to these monopolies; while the politicians of England were definitely dividing into the court party and the country, or "patriot," party. This finally developed into a revolution. These parties had really been evolving for many years. After the rupture between the Earl of Warwick and Sir Edwin Sandys the three company parties became concentrated into two, which may be called the Sandys party and the Smythe party. In the subsequent controversies the Smythe party affiliated with or catered to the national court party, and the Sandys party with the national "patriots," or country or Commons party.

At the Virginia court, on April 22, "Sir Edwin Sandys moved that in regard Mr. Edward Bennet, a citizen, had so well deserved of this Company by a treatise which he made" touching "the inconveniency that the importation of tobacco out of Spain had brought into this land, and by his often attendance upon the committees of the lower House of Commons about the same (who were well inclined to

afford their best assistance for prohibiting the bringing in of Spanish tobacco), that therefore he might have the favour to be admitted a free member of the Company," which was at once done.

Bennet's treatise, which had been used before the committees, has been preserved. It is quite long, but very interesting. In it he says: "The Chiefe Spring from whence the mayne Current of Treasure flowing into all Christendome, hath his originall, is in the Indies [America], & by the Spanish government is forced to set first into Spaine." When we consider the immense amount of gold and silver found by the Spaniards in their American possessions, the hopes of the Virginia Company for the like in their possessions will seem most natural. Bennet explains the decay of trade and the scarcity of silver in England by the fact that the English merchants, instead of receiving bullion for their merchandise in Spain, now traded it for some 400,000 weight of tobacco, which they brought into the kingdom. "In so much that the Spanish say, when they see all our goods landed — *all that will be paid in smock.*" He goes on to show that England had thus failed to import at least a million pounds of bullion since his Majesty's reign, which was greatly to be regretted, "for money is the soule and sinews of trade, and a well governed trade, the true fountain of treasure."

"The good then that we have done to Spaine by buying our Tobacco from them, hath caused them since the year 1598 to inhabite the territories of Caracoes, Cumanagotta, Trinidad, Oranoke, & now at last all Maracabo, for in those days (I was an eye witnesse to it) their people went thither more unwilling then ours now go to Virginia & the Summer Islands, (yet the King gave them leave to carry & recarry all things Custome free :) but now the case is altered, for if they would give leave to as many to go as would, they would soon leave few enough in Spaine."

And the importing of Spanish tobacco had also hurt England in "that it hath altogether hindered that planta-

tion in Virginia which in short time might yeeld his Maies-
tie as much or more profit, then the aforesaid places do to
the King of Spaine besides the general good it would bring
to all this Common Wealth, cannot be imagined, for if his
Majestie graunt this one Priveledge to them [the prohibiting
the importation of Spanish tobacco] and suffer it only to
be brought from Virginia and Somers Islands, the lucre of
gain by Tobacco, will draw thither more inhabitants in one
year then the Company have done with all their care and
charge ever since the plantation, and let them once be
drawne thither, they will quickly find better commodities
then Tobacco." Bennet had long been a dealer in tobacco,
and was familiar with the weed. He says: "If any alledge
that those countries yeldes not so good tobacco as the Span-
ish Indies, I answere there is some as good Tobacco brought
from Virginia and the Summer Islands, as the first Tobaccos
were that we had out of Spaine. And no doubt, but as
they discovering further into the Land, found better
grounds for Tobacco: So will our people do also as they go
further. To conclude Shut the gates of entrance of To-
bacco, and you open the Gate for the entrance of Treasure:
but open the gate for the entrance of Tobacco and you shut
the gate for the entrance of Treasure."

When the House of Commons met (after the recess) on
April 27, Sir Edwin Sandys, from the sub-committee, de-
livered to the grand committee, "Five Heads of the Decay
of Trade." The third of these was, "The Importation of
Spanish Tobacco — and the remedy was: To supply to-
bacco out of Virginia and the Somer Islands, and to pro-
hibit all other tobacco," etc.

The next day Lord Cavendish called "the Business for
foreign tobacco," etc., up for debate.

Sir Edward Coke said "that this pointeth directly at Vir-
ginia, that no commodity can be banished, but by Act of
Parliament — would have Virginia have the tobacco; but
would not consent to have the subject hindered from plant-
ing it here.

“ Sir Edwin Sandys, concurreth for that ; but to have the Resolution of the House forbidding of Foreign Tobacco.

“ Sir Geo. Moore — concordat.

“ Sir Edwin Sandys — That all the Kings subjects may freely trade thither, and without licence of the Company.

“ Sir Wm. Strowde — To banish Tobacco generally and to allow Virginia, but a certain time for it.

“ Mr. Cary. To banish tobacco generally and help Virginia by some other means.

“ Sir J. Perrott. Not to banish all Tobacco in respect of Va. and S. I. — To give them some time — else, overthroweth the Plantations.

“ Mr. Sollicitor [Heath]. Loveth England better than Va. A great hurt to all the state of our Kingdom. To contribute rather to Virginia otherwise.

“ Sir D. Digges. Wisheth tobacco of Va. prove good etc.

“ Mr Towerson. Except we banish all tobacco — Spanish tobacco will be brought in as plentifully as now.

“ Sir Rich. Worsly. To banish all.

“ Sir Ed. Sackvyle. Not to banish all, till order for supply of Virginia — else all people there undone.

“ Mr Ferrar. Fit to banish all ? Yet now 4,000 English there who have no other means, as yet, to live on.

“ Sir George Moore : — To divide The Question : —

“ I. Whether to banish Foreign.

“ II. For our own Dominions.

“ Sir Guy Palmes. To banish all.

“ Mr Pymme — Fit to banish all.

“ Sir H. Poole. Against all in generall. To Pull it up by the Roots — To help Virginia otherwise.

“ Sir J. Horsey. Thought not to speak of this vile weed — When he first a Parliament man this vile Weed not known — Thousands have died of this vile Weed. — Abhorreth it the more, because the King disliketh it — Prohibited to be used in Alehouses — No good ground for Va. to banish all.

“Sir Tho. Jermyn — Loveth tobacco as ill as any, if ill tobacco — To put the 1st Question — and defer the 2nd to a Committee to consider what time fit to be given Virginia.

“Sir Edw. Cecill — The Question now is whether one question or two.

“Sir Francis Goodwyn, accordant.

“Sir Jo. Jephson, accordant. The Va. Co. never heard. — Wine and Drink hurt many; yet to banish it will Kill here.

“Mr John Smyth. Hath his Interest in Va. and S. I. The Company restraineth the cultivation of tobacco by all means it can. To give it sometime, else we overthrow the Plantations. *Virginia and S. I., holden of East Greenwich.*

“Mr. Raynscrofte — Fit to draw a Bill and not to go to Question 'till then.

“Mr Alford. That, for foreign Tobacco thought of and reported : This for all not. — We read a Bill thrice.

“Upon Question — Importation of all foreign tobacco thought fit to be barred. No one negative.”

This was the resolution Sir Edwin Sandys had asked for.

Sir Edw. Peyton, on “a petition from two Captains, Planters in Va: — Raphe Hamor and Wm. Tucker,” it seems, had drafted “An Act for Restraint of the inordinate use of tobacco,” which he had reported to the grand committee; but Sir Edward Coke, in his report, forgot it, and it was not called up for debate until May 3. Sir Edwin Sandys, Sir Dudley Digges, Sir George Manners, Mr. Drake, Mr. Delbridge, etc., spoke on the question (in which the Lady De la Warr was interested), and a committee was appointed to look into the matter for the relief of these men; “to meet tomorrow in the afternoon in the Star Chamber, with power to send for the patentees and to see the Patent.” This was the patent to Sir Thomas Roe and others for the sole importation, etc., of tobacco. The report

in the Commons journals is brief and indefinite; but after the report of the committee the question again came up for debate on May 13. (See hereafter.)

The "patriots" in the Virginia Company asserted that the court party encouraged the New England movement in order to divide and weaken the power of those who were advancing the popular movement in the Virginia courts. The opposition of the Virginia Company as a body was not to the New England charter as a whole. The especial cause of the division was "the fishing clause," the Sandys party joining with the Commons in opposing, while the Smythe party aided the crown in upholding this clause. And the contention grew until the Cape Cod fishery case became an important factor in the contest then going on "between the two most important powers [the crown and the Commons] known to the English constitution," — the question in the case being whether the colonial settlements were the demesnes of the crown (king and his Privy Council), lying beyond the jurisdiction of the state (Parliament) or not? Members of the Virginia Company were on both sides. Sir Ferdinando Gorges and the managers of their side had silenced the opposition of the Virginia Company as a body, secured the coöperation of many of them, and, catering to the crown, made themselves solid with the king and his Privy Council. But the advocates of free fishing told Gorges that "howsoever he had sped before the Lords [Privy Council] he should hear more of it the next Parliament." And soon after the session began the matter was brought before the committees, with Gorges and others before them. They requested Gorges to produce the patent; but he said (for aught he knew) it was still in the crown office, and made a very diplomatic reply to their queries. When Parliament reassembled after the recess, on April 27, there was reported and read "An Act for the maintenance and increase of shipping and navigation, and for the freer liberty of fishing and fishing voyages to be made and performed in and upon the seas, sea coasts,

and places of Newfoundland, Virginia and New England, and other the seas, sea coasts, and parts of America." The purport of this act was, "that the free right of engaging in fishery tends greatly to the increase of the number of ships and mariners, but of late an attempt had been made to interfere with this freedom. ALL British subjects to have free right of fishing on the shores of America, and to select their places for curing fish according to priority of arrival, with liberty to take wood for fuel and repairs."

The act came up for consideration on May 5, and Sir Edwin Sandys (of the Virginia Company, but also M. P. for Sandwich) opened the debate with a speech in favor of the bill. He said "That some have gotten a grant from the King—a grant of the land in *Virginia*, which they called *New England*. Two colonies first in Virginia—Northern and Southern. The last hath proceeded with £100,000 [= \$2,500,000?] charge; the Northern not: Now desired to proceed: which called now New England—That this fishing twice a year, far better than that of Newfoundland—That the Company of Virginia, by the Deceit of the Masters of ships sent about 7, or 8 years [1613–1614] sithence lost £6000.—That the Northern Colony have got a sole fishing there,—yea, excluding the Company of Virginia—The King being made acquainted with it, stayed the Delivery of the Patent—That the Colony of Virginia desireth no appropriation of this fishing to them—This will bring £100,000 per annum hither in coin," etc. He ended by moving "for a free liberty for all the King's subjects for fishing there."

Secretary Calvert (also a member of the Virginia Company) replied opposing the bill, on the ground "that he never would strain the King's prerogative against the good of the commonwealth," etc.

It was further debated by Mr. Glanvyle, Mr. Neale, Mr. Chidleigh, Mr. Guy, Mr. Brook, etc. In the replies to the crown party Mr. Brook made the point "that we [the Parliament] may make Laws here for Virginia;" and Sir

Edwin Sandys "that Virginia was holden of the *Manor of East Greenwich*."

The bill was committed to Sir Edwin Sandys, and "a full hearing advertized to all Burgesses of London, York, and the Port Towns, who might wish to testify, on that day seven-night in the Exchequer Chamber." Sir Ferdinando Gorges was at the meeting, the matter was again postponed, and the question was not settled by the third Parliament.

When James I. suggested to the Virginia court of May 27, 1620, several men, one of whom was to be chosen treasurer, the earls of Pembroke and Southampton asserted in the court that it was "the beginning of a move against the companies just freedome of election granted by Letters Patents." When Sir John Danvers, a few weeks after, asked the Earl of Southampton "whether he would be pleased to own the place, if the Company chose him Treasurer?" the earl answered: "I know the King will be angry at it, but so the expectation of this pious and glorious work may be encouraged let the Company do with me what they please." The private understanding with the earl was that Sandys should continue in control "in prosecuting still those wayes which might give satisfaction to the undertakers." Since the earl's election (July 8, 1620), Sandys and himself, "with other co-incident officers," had been advancing "the work intended in a way which was generally acceptable to the patriot party. . . . The publick asserting of those rights and immunities granted under the Great Seal of England much raised the spirits and increased the numbers of those that made preparation for the plantation. . . . As it seemed almost to promise as well as to invite a great part of the Nation to withdraw themselves from an oppressing unto a more free government establishing in Virginia, whither great store of shipping was engaged and even in readiness." These ships were to be sent under Sir Francis Wyatt, the first governor chosen by the Southampton-Sandys administration, who was also to

carry over the more matured plans of Sir Edwin Sandys for establishing the new nation. But the court party during the same time was obstructing "the work intended" by the "patriots," thereby causing delay, and "the great store of shipping" engaged and ready to sail for Virginia in the spring "could not be despatched for many months."

At the preparative court of May 10, "five shares were given Mr Newland for his extraordinary pains in taking care of shipping our people in ye Abigail, and two shares were given Mr. Bonnell in consideration of his pains in procuring the French from Languedock for ye Company, now in Virginia." These shares were confirmed at the following quarter court. "Thomas Colby allowed one Bill of adventure of £12 10s, and one personall share due to his brother Edmond Colby, deceased; Francis Carter transferred 5 shares — 2 to Sir Henry Rainsford, 1 to Mr. Craddock, 1 to Mr. Palmer and one to Mr. John Hart; Lott Peere passed two shares to Mr. Barber, and Mr. Downes passed three shares to Mr. John Smith."

The quarter court of the Easter term met on May 12, and the first term of the Earl of Southampton as treasurer of the company then ended.

IV

VIRGINIA, NOVEMBER 28, 1620 — NOVEMBER 28, 1621

SIR GEORGE YEARDLEY, GOVERNOR

IN November, 1620, Governor Yeardley sent a vessel to the Bermudas for fruits, etc., but "by the ignorance of the pilot" it failed to find the islands.

In December the *Temperance* came in, according to some accounts "from New foundland," to others "from Canada," — terms frequently then applied by Virginians to the present New England coast; and it is probable that this ship brought first the news to Virginia that the *Mayflower*, Captain Thomas Jones, with John Clark as pilot, after long beating at sea, had arrived at Cape Cod in November, and that the emigrants had finally determined to land there.

Bradford says: "Partly by ye discontented & mutinous speeches that some of the Strangers [those who were not Pilgrims?] amongst them had let fall — That when they came a shore they would use their owne libertie; for none had power to command them, the patent they had being for Virginia, and not for New England, which belonged to an other goverment, with which ye Virginia Company had nothing to doe. And partly that such an acte by them done (this their condition considered) might be as firme as any patent, and in some respects more sure."¹ Therefore, on November 21, they made "the *Mayflower* compact," in which they framed for themselves in North Virginia the same privileges of government granted them by the popular charters and constitution of South Virginia, under which they had been sent to that colony. They landed at Plymouth Rock on "Forefathers' Day," December 21, 1620.

¹ Bradford's History.

The emigrants were not all "Pilgrims;" some were from Essex, London, and other places in England. William Molines, his wife and children (Joseph and Priscilla), are said to have been Huguenots; Christopher Martin, "the governor in the Mayflower," was a member of the Virginia Company, and owned lands on James River, purchased from Captain George Percy and others; Stephen Hopkins was an old planter of Virginia, etc.

Although civil and religious liberty was planted in America under the inspiration of the liberal ideas then budding in England, which were largely derived from an admiration impressed on the minds of English students for the form of government established for Geneva by Calvin and the Reformers, the accomplishment of these "popular" ideas was due to the popular charters of the Virginia Company of London, drafted by Sir Edwin Sandys, "a church of England man" and a son of one of the heads of that church. For it was under these charters that the seed was planted both in South and in North Virginia. Sufficient honor rightly belongs to the Pilgrim Fathers to make it unnecessary to take for them any honor which rightly belongs to others; and, after giving all due credit to all others, it must be confessed that civil and religious liberty in the new world owe their first debt to broad-minded churchmen, and to the liberality of the Church of England, which was also the great factor in holding America for the Anglo-Saxon against the Church of Rome.

November 13, 1620, Governor Yeardley granted Bartolomew Hoskins (Haskins, Hopkins?) 100 acres of land on the Back River, in the corporation of Elizabeth City, for his personal adventure.

December 15, the governor granted to Richard Pace 400 acres as his dividend, called "Pace's Paines," in the corporation of James City, over the river from Jamestown, and 100 acres to Francis Chapman as his dividend.

December 29, Captain George Thorpe wrote from Southampton Hundred in Virginia: "To the Right worthy

my verie Lovinge Frend John Smith Esquier att North nybley, give these," and sent the letter by Thomas Partridge. He excuses the comparative brevity of the letter by saying, "Wee being nowe in the business of examining witnesses concerning Captain Argall wherein wee sit comonly till mid night;" will "write more by the next ship, against which time he hopes Captain Woodleefe's tobacco will be ready ;, and says that the country is very healthy." He was "persuaded that more do die here of the disease of their minds than of their body . . . and by not knowing they shall [have to] drink water here." When "Mr Russell the chimist" was trying to introduce sassafras tea into Virginia as an artificial wine, in July, 1620, it was stated that "there is in Virginia and is like to be shortly 3,000 people. And the greatest want they complayne of is good drinke, wine beinge too dear, and barley chargeable, which though it should there be sowed, it were hard in that Country, being so hot, to make malt of it, or if they had malt to make good beer." But Thorpe now writes that "they had found a way to make a good drink from Indian corn, which he prefered to good English beer." Was this the beginning of old Virginia corn whiskey? The qualities of corn in that kind had been long known. Gonçalo Ximines, of New Granada, who died in 1546, wrote that "maize steeped in water, boiled, and afterwards fermented makes a very strong liquor."

The *Bona Nova*, of 200 tons, Captain John Hudleston, with 120 persons, and the *Elizabeth*, of 40 tons, with 20 persons, left England not long before the *Mayflower*, and, like that ship, were carried past Virginia by the current to the north. The *Elizabeth* went to "Newfoundland" and remained there till the spring of 1621, when she sailed for Virginia.¹ The *Bona Nova* beat her way back to Virginia as soon as she could, and arrived there in the winter of 1620–21, probably in January. "She brought notice to the governor and Council of the great supplies of all

¹ Did not Edward Leister come to Virginia from New England on this ship?

sorts intended to be sent in the spring, with orders for fit preparation to be made before-hand, as well for the receiving, as for the disposing and employing of them, both for the public, and their own private benefit." This information was contained in "A Declaration of the Supplies intended to be sent to Virginia, in this yeare 1620. By his Maiesties Counseil for Virginia. 18. Julii 1620."¹ The ship also brought news of the propositions for advancing the plantation made at the Virginia court on July 17; of the steps then taken for framing suitable laws for government and magistracy for their better guidance, etc. The Council also sent written instructions concerning the planting of mulberry-trees, and making fit rooms for the silkworms. They had formerly required the governor of Virginia to revenge the murder of the ten English by the Chickahominies, which Argall had left unavenged; but the governor doubting the wisdom of this, they now "leave it to your [the governor's] judgement upon mature deliberation with ye whole body of the Councell so to proceed therein as that justice being satisfied for that barbarous crueltie may be otherwise left to the disturbance of the peace of the Colonie. But touching the other matters of Capt. Argall we alter nothing from our first resolutions. . . . But some alteration seemeth to have been wrought in you who promising to dispatch all that business at the former return of the Bona Nova have not so much as sent them one line or word concerning him," etc. This public letter was written in August, 1620, and signed by "Ed. Sheffield, Lion. Cranfeild, Ed. Sandis, Jno Davers, Xpo. Brook, Tho. Gibbs, Jno Farrar, Ro. Smyth, Tho. Shepheard."

The ship also brought the commissions of the recently appointed Councilors of State in Virginia: George Thorpe, Thomas Newce, John Pountis, William Tracy, David Middleton, Mr. Blewit of the iron-works, and Mr. Thomas Harwood, the chief of Martin's Hundred.

Captain Thomas Newce, who came in this ship, was re-

¹ Reprinted in Force, iii., no. 5, pp. 13-17.

garded by the Council in England as “a choice man.” He was sent to take general charge of all “the Company’s land and tenants in Virginia whatsoever, and for his entertainment [wages] it was ordered that he and such as shall succeed him in that place shall have 1,200 acres of land set out belonging to that office: 600 acres at Kiquotan (now called Elizabeth City), 400 at Charles City, 100 at Henrico, 100 at James City, and for the manuring [cultivation] of this land shall have forty tenants to be placed thereupon — whereof twenty to be sent presently, and the other twenty in the two springs ensuing.” It was also ordered that “Mr. John Porey, the Secretary, and his successors in that place, should have 500 acres of land belonging to that office and twenty tenants to be planted thereupon, and the Secretary there from henceforward should receive no fees for himself, and the fees to be paid his clerk for writing and other charges to be rated by the court.”

The intent of the Great Charter of 1619 “to ease all the Inhabitants of Virginia forever of all taxes and public burthens as much as may be,” by laying out public lands to be worked by tenants on shares, — the wages of the officials to be paid out of said shares, — was not so Utopian as at first it might seem. At one end land was abundant in Virginia; at the other, England was filled with people vainly seeking employment; the two ends met in the colony, and the idea would have answered a doubly good purpose for some years, save for the fact that the class of people necessarily sent as tenants to these lands seems to have been physically incapable of resisting the climate, and, notwithstanding the faithful use of all known remedies and preventatives, but few of them survived “the seasoning.” They had to go through the purge, and only the fittest survived.

“The Virginia Court of July 22 1620, in England, in reply to the petition of John Wood, who had resolved to inhabit in Virginia, to grant him eight shares in Elizabeth river, for eight shares of land formerly granted unto him,

because thereon is timber fitting for his turn, and water sufficient to launch such ships as shall be *there built* for the use and service of the company, agreed to recommend the consideration of the premises to the Governor and Council of Virginia to deal therein as they shall think fit." Mr. Wood probably arrived on the Bona Nova with the purpose of establishing a shipbuilding yard, possibly near the present site of Norfolk.

Owing to the continual depredations of English pirates in the West Indies, and to the report that England was preparing to assist the Palatinate against Spain, "the Vice-Roy of New Spaine caused ships and men to be made ready, some 6.000 souldiers, which were to meete as many more men and shippes at the Havana, to cut off our countrymen in Virginia; and they were upon their march to S. John de Uloa, the Port Towne for Mexico, when a countermand came from the King of Spain to stay them." This was going on late in 1620, and early in 1621. We have few particulars, but it is certain that the agencies of New Spain were constantly used against the settlement of the English in the new world.

January 31, 1621, Sir George Yeardley, George Thorpe, Thomas Newce, Nathaniel Poole, Samuel Maycock, John Pory (secretary), John Rolfe, and John Pountis wrote to the Earl of Southampton, the Council and Company for Virginia in London, inclosing a petition to the king against "his Late Proclamation against the Importation of Tobacco into England," ending, "Maie it therefore please your Majestie out of your princelie compassion (since we are assured that you tender the lives and welfare of your Subjects beyond thousands of gould and silver, and your Royall word ratified by your great Seale, farr above both,) either to revoke that proclamation and so restore us to our ancient liberty or otherwise to send for us all home and not to suffer the Heathen to triumph over us and to saye *Where is now their God*. So shall we all," etc. These documents were sent to England by the Temperance, which left Virginia early in February.

William Ewins' ship, the Supply, of Bristol (eighty tons), Captain Tobias Felgate, which left England with fifty persons, on October 5, 1620, arrived at "Berkeley," February 8, 1621, and received the following certificate: —

"These are to certifie the Right hon^{ble} Right worshipfull, and others of the Counsell and Company for this First Southern Colony of Virginia, that there arrived at Barklay in the same country, for the account of that Society and the plantation of the said hundred, upon the 29th of January 1620 [O. S.] these fifty persons under written, vizt: — William Tracy Esq^r; Mary Tracy his wife; Thomas Tracy their sonne; Joice Tracy their daughter; Frances Gren[v?]ell, Elizabeth Webbe, Alice Heskins, Isabell Gifford, Arnold Oldsworth Esq^r Robert Pawlett, divine; Thomas Kemys gent; Robert Long, gent; John Holmden, gent; Richard Ferriby, gent; George Keene, gent; Nicholas Combe gent; William Finche, Margaret his wife and Frances their daughter; John Gibbes; Robert Baker; John Howlett the elder, John and William Howlett his sonnes; Walter Prosser; Giles Carter; George Hall; John Baily; Thomas Baugh; Gabriel Holland; Richard Holland; Giles Wilkins; Giles Broadway; Richard Dutton; Richard Milton; Joane Cooper [or Coopy], Antony Cooper and Elizabeth Cooper; Philip Vrange [Orange, Strange?]; John Page and Francys his wife; John Linzey; Roger Linzey; James Jelfe; Richard Rolles, Jane his wife and Benedict Rolles their sonne; Alexander Broadway; Arthur Kemis, gent.

"(Signed) GEORGE YEARDLEY.

JO: PORY, Sect."

It had long been the custom for the governor of Virginia to give a certificate to each ship on her arrival; but only a very few of these official records have been preserved. This ship brought the revocation of the former commission to Captain Woodliffe, and a new commission to George Thorpe and William Tracy to be governors of

Berkeley Town and Hundred in Virginia; a letter of general advice and instruction on Virginian affairs, from Richard Berkeley and John Smith, addressed to George Thorpe, and carried over by William Tracy; a copy of the orders and constitution of the Council of the Virginia Company for the better governing of the affairs of the company, etc. Among those who came over at this time was Rev. Robert Paulett, with whom the proprietors had agreed to be their preacher, physician, and surgeon at Berkeley.

The Supply left Virginia soon after April 3, 1621, "with 2,000 lbs of Tobacco on account of Mr. Thorpe, Captain Powell, Mr Tracy and Mr. Basse. 1.500 lbs of Mr Basse on his own account.

" 600 lbs of Mr. Thorpe on his own account.

" About 400 lbs of Capt. Martin ditto

" 400 lbs of John Sabine "

" 200 " of Richard Godfree "

" And the following passengers — Capt. [John] Martin ¹ and his man; M^r Basse, M^r Yate, Nicholas Combe and John Sabine.

¹ The following warrant of the governor and Council is worth preserving: —

" Whereas Capt. John Martin of Martin Brandon Esquire at his late departure from hence for England did leave in the custody of Lieut. Edmund Saunders seventeen head of cattle (vid^r). Seaven milche Kine, one Bull, three two-yearlings, three yearlings and three sucking calves — which cattle remain in controversie between him the said Capt. John Martin, and Mr John Bargrave of Patrick's bourne in Kent Esquire. Being well persuaded of ye integritie and honestie of the said Lieut. Edmund Saunders and finding him to be the fittest man for that purpose, we hereby approve and consign to him the custodie of the said Cattle either till the said Capt John Martin return into Virginia, or

till the said controversie be ended between him and the said John Bargrave.

" In witness whereof we have to these presents sett our handes.

" Given at James Cyttie May ye [13] 1621.

" GEORGE YARDLEY.

" GEORGE THORPE. NATH POWLE.

" THO: NUCE JO. PORY, Secr."

Captain Martin had left his affairs at Martin's Brandon in charge of Saunders, whose house was about a mile from Martin's residence. This warrant and the fact that Saunders was killed in the massacre of 1622, and the cattle said to have been carried off by the Indians, furnished the basis of Martin's seventh demand in his suit against Yeardley in December, 1624-January, 1625.

“The freight on 5.100 lbs tobacco @ 3 <i>d</i>	
per lb.	£63. 15. 00.
“6 passengers @ £6.	36.
	£99. 15. 00.”

The ship also carried letters from Tracy and Thorpe to their associates. Within less than a month after her departure William Tracy died.

In March, 1620, there were, by the census, 887 people living in Virginia; of these about 700 had passed through the seasoning and had become acclimated. Between that date and March, 1621, ten ships had arrived in Virginia (principally in the spring and summer of 1620) which left England with 1051 emigrants. In March, 1621, there were, by the census, only 843 English living in Virginia. That is, of 1938 people (about 700 acclimated and 1238 newcomers) 1095 had died *en route* and in Virginia. As the death rate among the acclimated was comparatively small, it is probable that over 80 out of 100 newcomers had died within twelve months, showing that the summer of 1620 was one of the most disastrous periods in the history of the colony.

The Margaret and John, of 150 tons, left England early in January, with eighty-five emigrants for Virginia. At Guadeloupe she took on six Frenchmen, “and then they were in all (including the crew) 103 souls with women and children.” When off Mevis, where they wished to water, “being the common trade way both for English and Dutch,” on March 30, 1621, they fell in with two large ships, “pretending to be Hollanders,” but as soon as these ships had gained a fair position, and after some parley, they took in their Holland flag, advanced the Spanish colors, and opened fire on the “small and not very well provided English Shipp. Who parforce was constreyned to enter into this conflict,” “which continued 5 or 6 houres most desperate.” The English finally beat off both Spanish ships, after killing their captain and making “their skuppers run with blood,” and “couloring the sea in their quarter.” The burden of

the largest Spanish ship was 300 tons, with 22 pieces of brass; of the other, 200 tons, having 16 pieces of brass.

The English ship had eight cast-iron pieces and one small falcon. They lost eight slain outright: Doctor Bohun, Mr. Thomas Dodmister (or Demeter), Thomas Read, William Garrett, Thomas Vernam (salt-man), Gabriel Peyes, David Pathering, and Ralph Phillips. Two died after, — Francis Annis, gent., and Edward Nubery, sailor, — and some twenty wounded, yet cured; among these were the captain, James Chester; William Bird, gent.; Alexander Boveaton, gent.; William Bannington, gent.; John Watkins, Philip Darwin, Robert Lector, Anthony Browne, gent.; Mr. Howe, gent.; William Joyce, quartermaster; William Lucas, carpenter's mate; John Robbins, steward; three Frenchmen, and three sailors. The other officers of the ship were Griffen Parnell, master; John Langle, and Humphrey Sherbrook, master's mates; James Jerland, surgeon; Thomas Charn, "pilot for the West Indies;" Mr. John Mines, the captain's son-in-law, and Thomas Hother-sall, interpreter.

This sea fight was quite an event, and the English were evidently proud of their part in it. A long account of it was printed in London in 1621, which Purchas made use of in his "Pilgrimes," and Smith in his "History of Virginia." In the same year an account was printed by George Deseler, at Amsterdam, and "Tho: Hother-sall late zity-sone and groser of London being an *I* witness and *interpreter* in this exployte," also wrote an account which is still in manuscript. The ship arrived in Virginia in April. Dr. Lawrence Bohun, who was killed, was not only a large patentee of lands in Virginia, but had recently been appointed physician-general for the company in Virginia, "unto which place there was allotted 500 acres of land and twenty tenants, to be placed thereon at the Company's charge." The company had sent by the ship good store of silkworms' seed obtained out of France, Italy, and Spain, under the charge of a servant of Mr. Jasper Stallenge,

“who had these five years together been brought up in tending of the king’s silkworms under his said master, whereby he was become very skillful in breeding of the worms and in winding of their silk, and was also a good gardener,” whom they had employed to serve them in Virginia for three years, where he was also to teach others. But it seems that “the silk worms’ seed miscarried” in the fight.

The *Duty* and the *Bona Nova* returned to England in the spring of 1621 with tobacco. The *Duty* was sent to Flushing to sell the tobacco there, and the *Bona Nova* to Middelburgh for the same purpose, Mr. Arthur Swayne, a merchant of London, being the factor for the Virginia Company in each instance. Governor Yeardley’s tobacco was sent under the charge of his nephew, Ensign Rossingham, who sold it for him in Holland. Some of the tobacco carried by the *Duty* was to pay for the fifty boys, which cost the company £500, and for which the planters repaid them in sixty-six weight of tobacco at 3s per pound, rating it at £10 a boy; “which tobacco, being sold by the company, they could hardly reach to £5 the boy,” and the planters were afterwards required to make up the difference.

The *Bona Nova* carried divers letters, and one general letter from the Council of Virginia directed to the company in England, telling them that some staple commodities, as vines, began to be planted; that they had confirmed a peace and league with the Indian king, “whereby not only a great trade and commerce with them hereafter for corn and other commodities is like to ensue, and good means also for converting them to Christianity and *to draw them to live among our people*, but fit occasions likewise of further discoveries up into the country, both for the finding of the south seas and certain mines, yet will undoubtedly conduce to the great honour and enlargement of the general plantation in a short time.”

The relations of the three several voyages made the last

summer by Marmaduke Rayner, Ensign Savage, and Mr. Dermer were also sent by this ship. One of the "divers letters" was written by George Thorpe. "He testified to the plentiful coming up of the cotton seed," etc. "Attributed the illsuccess of things to the not seeking of God's glory in converting the Natives, which he said were peaceable and wanted but meanes. No man can justly say that this country is not capable of all those good things that you [the Virginia Company] in your wisdomes, with great charge, have projected, both for her wealth and honour, and also all other good things that the most opulent parts of Christendome do afford, neither are we hopeless that this country may also yield things of better value than any those." Another letter was from Rev. Jonas Stockton (who had but recently arrived in Virginia on this same ship), in which he says "that he found no probability by fair meanes alone to draw the savages to goodnesse, and if Mars and Minerva went hand in hand, they would effect more good in one houre, then these verball Mercurians in their lives: and till their Priests and Ancients have their throats cut, there is no hope to bring them to conversion." The letter was to Master Whitaker, probably a relative of the late Rev. Alexander Whitaker. This was the old idea of 1609, for the "old soldiers trained up in the Netherlands, to square and prepare them to our Preachers hands;" and of Rev. Alexander Whitaker, who also drew the line on their priests; but Dale evidently drew no lines; neither did Gates; and I doubt if Yeardley, left to his own judgment, would have done so. The idea of the old commanders had been to clear them out from the river region.

Yeardley was still captain of Southampton Hundred as well as governor of Virginia, and resided for at least a part of the time at his mansion-house (on the north side of James River, about two miles above the present Sandy Point) in that hundred. A few records remain of the courts held at Bermuda Hundred, Jamestown, and Southampton Hundred; also some warrants, some grants and

deeds for land by the governor and Council ; but there has been very little preserved relative to events in Virginia during this year. The General Assembly may have met, but I have found no record of it.

The Abigail (350 tons), the ship of Mr. Bland, Mr. Wiseman, etc., under Captain Samuel Each, which left England in February with 230 people, probably arrived in June. The letter from the Council in England to the governor of Virginia, sent by this ship, was written by Sir Edwin Sandys ; Captain Roger Smith and Captain Madison returned to Virginia in her ; the company in England had “confirmed their old patent to Sir Richard Worsley, Nath^l Basse, John Hobson, Anthony Olevan, Richard Wiseman, Robert Newland, Robert Gyver, and Wm Wellis, associates and fellow-adventurers with Capt. Christopher Lawne deceased, with all manner of privileges therein contained and that the said plantation shall from henceforth be called *the Isle of Wight's plantation*, provided that the heirs of the said Christopher Lawne be no way prejudiced thereby ; and in regard of the late mortality of the persons transported heretofore by the said Captain Lawne, the Court hath likewise given them till midsummer 1625, to make up their number of the said persons mentioned in their former patents.” The ship brought some emigrants to this plantation, some tenants for the company's lands, etc. ; it also brought the news that Sir Francis Wyatt had been chosen governor to succeed Yeardley ; copies of “the printed book of instructions for making fit rooms for silk worms,” of the broadside of November 25, 1620, etc., for distribution in Virginia, etc. This broadside ends : “Of all which our hopes are now greater than ever, it having pleased the Divine power to blesse our late endeavours with so extraordinary successe, as well in the safe and speedy passage of our Ships, as in the healthinesse and contentednesse of the people transported in them.”

While Captain Samuel Each, of the Abigail, was in Virginia, he “made tryal of those banks that lye out in James

river near Blunt Point, and found that a block-house or fort might be erected upon them, which would altogether forbid the passage of ships any higher."

The company, in November, 1620, agreed to pay Thomas Wood for every cow of our English breed transported by "him or his agents safe and sound to Virginia £11, and for every she goat £3 10s, upon certificate at his return from the governor there," and possibly he shipped some kine to Virginia in one of "the two ships out of Ireland," which went to the colony this year; but I have found no particulars of the voyages.

Mr. John Ferrar sent his ship, the *Ellinor*, of 30 tons, from England, in May, 1621, with ten emigrants, to Virginia, Captain William Tucker and Henry Gates being his factors thereon, with whom he had some suit in settling. The large supplies intended to be sent in the spring did not leave England until the fall.

Owing to the favorable reports of the abundance of corn on the eastern shore and of the thriftiness of the Indians, made by Captain John Martin and Ensign Savage in 1619, a trade was opened and continued with those eastern Indians. In 1621 Governor Yeardley laid out some of the company's land on the eastern shore. Captain John Wilcocks had located his dividend at a place called "Acomack," and in the fall of 1621 Mr. John Pory located the secretary's land adjoining thereto, the better to secure and assist each other, and settled ten men thereon as tenants. The company also planted one hundred tenants thereon, according to the records in England, which are generally exaggerated in such matters. Pory says that "having taken a muster of the companies tenants; he went with Estinien Moll, a Frenchman, to Smith's Iles, where was our salt-house, to find a convenient place to make salt in; not far of we found a more convenient place and so returned to Jamestown." This was probably in September, 1621. Pory wrote a narrative of this, and of several subsequent voyages of his, to the Earl of Southampton, which

was used by several contemporary writers and others of later dates, and which it seems was printed, but I have failed to find a copy.

At a court held in 1635 in Northampton (Accomac) County, Virginia, it is recorded: "Forasmuch as Henry Williams did make it appear that he had lived on his land 20 years, and did much service for the country, it was certified to the governor and Council," etc. At a court held in 1643 in the same county, "a deed for land was recorded, granted by Sir John Harvey on Feby 20th 1639 to Henry Williams because he was an ancient planter in the time of Sir Thomas Dale as evidenced by a grant to him from The Treasurer and Company in 1618." Williams came to Virginia on the Treasurer in 1615, and may have settled at Dale's Gift, near Cape Charles, in that year, but I doubt if he meant that he had resided on the eastern shore for twenty consecutive years. In 1625 he was living on his land in the corporation of Charles City. I doubt if the settlement at Dale's Gift was permanent (continuous). I am inclined to think that Ensign Thomas Savage was the first permanent settler on the eastern shore of Virginia, but the data are very meagre. At a court held in 1668 in the same county: "About Esquire Yardley's and John Savage's land — The deposition of Wm. Jones aged 59, sayeth, That 'being at the house of the late Col Robins about 35 years since (when Laughing King came annually to visit him in the Spring) was desired by Col. Robins to ask the said King, whose land such a neck of land was? He replied, that he had given that neck-of-land from Wissaponson Creek to Hungars Creek to Sir George Yardley, and the south side of Wissaponson to his son Thomas Newport [that is, Thomas Savage].'" The date of this gift was probably in 1621; but Savage's interest on the eastern shore probably began prior to 1619.

V

ENGLAND, FROM EASTER COURT, MAY 12, 1621 — JUNE 1, 1622

*HENRY, EARL OF SOUTHAMPTON, TREASURER; MR. JOHN
FERRAR, DEPUTY-TREASURER*

AT the Easter court the old officers generally were re-elected; but as "Mr Briggs [one of the auditors] was now gone to Oxford to abyde Mr Gibbs was chosen in his place." Two shares were confirmed to Mr. Bonnell for his pains in procuring the Frenchmen now in Virginia from Languedoc for the company. Mr. George Sandys was elected to be treasurer in Virginia, and Captain William Newce, marshal. Each of them was then elected to the Council in England and to the Council of State in Virginia, and to each office (treasurer and marshal in Virginia) was allotted 1500 acres of land and 50 tenants. Mr. Oldsworth, who had been a justice of the peace in England, was added to the Council of State in Virginia. In regard of the extraordinary well deservings of Sir Edwin Sandys, he was given twenty shares. Captain John Smith petitioned the court for some reward for the services which, "as he allegeth," he performed in Virginia, and was referred to the committees appointed for rewarding of men upon merits. Captain Matthew Somers was granted a patent for a particular plantation, on which he proposed to plant 100 persons. Mr. Richard Norwood, being recommended by Captain Daniel Tucker, was chosen for a surveyor in Virginia. "Shares given upon merit, not to be sold or transferred."

May 13, in the House of Commons, the tobacco question (Roe's patent, etc.) was again debated. On the 26th, "Sir Edwin Sandys reported the Bill for Tobacco. The committee hath yielded to give the Patentees to the 1st of October

for restraint of importation of Tobacco foreign, &c. Liberty given to set tobacco in England to be used by the planter — not for sale. That they have already erected in Virginia 3. or 4. Iron Works which cost the Company £4,000. No better Iron in the world. And hopes of as good silk to be made there as in Persia, because the best mulberry trees grow there.

“The Bill with the Amendments, twice read.” The governor and Council in Virginia had sent by the Temperance, about February 1, 1621, a petition to the king against this patent. The date of its arrival in England I do not know; but it was not presented; and the reason afterwards assigned for this was that before it was received Parliament had given the plantation liberty to bring in their tobacco.

At the Trinity term quarter court, June 23, Mr. Christopher Davison was chosen to succeed Pory as secretary, and was also appointed to the Council of State in Virginia. The several cities and towns, and the companies of London, were to be requested “to plant the lands due them in Virginia with people, a full account of the whole transactions of the lotteries to be made off and presented to the king.” Captain William Claiborne was agreed with to go to Virginia as surveyor. Mr. Edmond Hakluyt (son of Rev. Richard Hakluyt) passed two shares to John Moore. Ambrose Wood received four shares as heir to his brother Thomas Wood, deceased, and one share more for the adventure of his person. Joice Lodge was allowed one share and fifty acres for a personal.

On May 10 Sir Edwin Sandys had submitted a proposition to the lower house of Parliament “to send away a great number of our poor people into Virginia, at the common charge of the parishes where they live, which offer was accepted of that house with a very great and grateful applause. Whereupon the Virginia court of June 23rd agreed a bill should be drawn to that effect against the next session of Parliament, and entreated Sir Dudley Diggs, Sir Edwin Sandys, and Sir John Danvers, to take some

pains in the drawing of the said bill." Three days after this Sandys was arrested, and I cannot find that the bill was presented.

On May 16, 1621 (four days after the meeting in the Exchequer chamber), the Mayflower returned to England, and the New England Company learned that the Pilgrims and other Mayflower emigrants, sent to South Virginia under authority derived from the popular charters, had been landed within their bounds. These colonists had no grant from that company authorizing them to settle there, and the company acknowledged this fact by issuing what is known as "the First Plymouth Patent," on June 11, 1621, to the same John Pierce to whom the Virginia Company had granted the patent (with which they sailed) in February, 1620. Between the departure and the return of the Mayflower, the two colonization companies had become, under their agreement of November, 1620, mutually interested in protecting these fisheries from interlopers; and whether the landing of the Pilgrims in New England was by policy or by providence, the Virginia Company, as a body, must have been more disposed to aid than to oppose the transaction; for the actual settling of a plantation within the bounds of the grant was necessary to secure the title, and to strengthen their case against interlopers. In the official report of the ships sent out by the Virginia Company in 1620, the Mayflower is included; but I have found no actual protest in their records against the landing of ships and emigrants in New England. Sandys, who was mainly instrumental in sending them to Virginia, may have done so; but he was soon put in the toils and debarred from proceeding in these matters. The captain, Thomas Jones, and the pilot, John Clarke, remained in the employment of the Virginia Company. They did not oppose, so far as I can find, the granting of the first Plymouth patent in lieu of their patent to Pierce. Of the five known signers to this patent, Warwick and Sheffield were then members of the Virginia Council. Gorges

himself was a member of both companies ; and Collingwood, the "clerke," who attested the instrument, was really then the secretary of the Virginia Company. The Virginia court did not even revoke the original Pierce patent, but soon after his Plymouth patent was sent to New England they gave him the option of using his Virginia patent in Virginia if he wished to do so.

The colonization companies were coming to an accord, but the contest as to jurisdiction between the crown and the Commons continued. During the vacation of Parliament and two days after the arrest of Sandys (the champion of the Commons), on June 28, the Privy Council again took the Cape Cod fishery case in hand, confirmed the orders of Lenox and Arundell of March 26, and of the Council Board of July 31, 1620, and further ordered "that both the Southern and Northern Colonies should have freedom of the shore for drying of their fish, and to have wood for their necessary uses, by the assignment of the governors at reasonable rates. Lastly that the patent of the Northern Plantation shall be renewed according to the premises, and those of the Southern Plantation to have a sight thereof before it be engrossed. *And the former patent to be delivered into the hands of the patentees.*" The crown was now showing its hand ; Sandys, who had appealed to the Commons, had been arrested, the proposed new Virginia patent had been suppressed, and Sir Ferdinando Gorges and his party, who had appealed to the crown, were at last to have their patent delivered to them. And this was probably done on that day, June 28, 1621.

The Fortune, the first ship sent out under this patent, was at once made ready, and finally sailed from England early in August, carrying emigrants and the first patent to the colony at Plymouth, which Weston wrote to Carver was "the best we could do, better than your former, and with less limitation." This Plymouth patent enabled the Pilgrims to remain in New England. It conveyed to them the first legal right to make a settlement there.

The Virginia court of July 20 gave Captain Isaac Madison two shares ; Mrs. Christopher Newport, the widow of "our Captaine," thirty-five shares (being the largest number of shares given any one), and Thomas Webb was allowed three shares.

At the Virginia court, July 26, Dr. John Potts, upon the recommendation of Dr. Gulstone, was chosen to succeed Dr. Bohun as "physician generall" to the company in Virginia. Having been informed of the deaths of Dr. Bohun, Mr. Oldsworth, and Mr. Tracy, of the Council of State in Virginia, the court now appointed, in their places, "Dr. John Potts, M^r Leech, Rev. M^r Paulett and Captain Roger Smith, to be as provisional counsellors till they may receive confirmation at the next quarter court, and their names be inserted in the commissions." Rev. Francis Bolton had previously agreed to go as minister, and at this court the Rev. Hawte Wyatt, a brother to the governor, entered into a like agreement.

Sir Thomas Roe and others had farmed the importation of tobacco, which, as we have seen, met with so much opposition, at £15,500. At the end of their first year they determined to surrender their contract. On July 31, 1621, Buckingham wrote to Lord Treasurer Cranfield: "The King's rent of £15,500 for tobacco, is in danger to be lost, or at best to decline much, and all the money spent about the plantations of Virginia and Burmootheres will be lost, if there be not some present course taken to restrain the planting of tobacco, here in England." The contract was finally given to Mr. Jacob, but at a less sum.

The great preparations which the company had been making for sending their new governor to Virginia were now completed. The court of August 3 signed and sealed duplicates of the following: Commissions to the governor (Wyatt), to the treasurer (George Sandys), to the secretary (Davison), and to Mr. John Pountis to be vice-admiral of Virginia, as also the instructions to each of them. "An ordinance and constitution of The Treasurer, Council and

Company in England for a Council of State and General Assembly in Virginia," was also signed; but this was probably the same as the original ordinance of November 28, 1619, with the names of the present governor and Council of State inserted. At this court Mr. Anthony Withers was admitted, and Francis Carter passed one share to Rowland Truelove and one to Tobias Cooper.

At a general court on August 4 the company's letter to the colonial authorities in Virginia was signed. Captain William Norton and others entered into an agreement to set up a glass-furnace within three months after their arrival, and to be ready to sail in fourteen days. On August 6 there was a meeting of the magazine adventurers; present, Mr. Alderman Johnson, Sir John Wolstenholme, Mr. Deputy Ferrar, Mr. Wroth, Mr. Wrote, Mr. Gibbs, and many others. Sir Francis Wyatt sailed, within a day or so after, in the *George*, with another ship, probably the *Charles*, in consort.

In July, 1621, Jesse de Forest, in behalf of certain Walloons and French residing in the Netherlands, who were desirous to go into Virginia, presented a petition to Sir Dudley Carleton, the ambassador of Great Britain at the Hague, which he inclosed in a letter of July 29 to Secretary Calvert, expressing himself as favoring the project. He also wrote at the same time to Sir Dudley Digges, of the Virginia Council: "Here are in these countries sixty families and upwards, men of all trades and conditions, Walloons and French, all of the Reformed Religion, who desire to go into Virginia, and to this purpose have employed one unto me with their demands and signatures, which I now send into England to Mr. Secretary Calvert, to acquaint his Majesty therewith; and if his Majesty like thereof, these men will send one expressly into England to treat with our Virginia Company, to which they may surely be of singular use, if some equal conditions may be found out for their transport thither."

Secretary Calvert referred the petition to his Majesty's

Council for Virginia, who sent in their reply signed by John Ferrar, deputy, August 21. This petition came in at a bad time, in the long vacation, and just after large and expensive supplies had been sent to Virginia. It was at once sent by Calvert to Carleton, inclosed in a letter in which he writes: "I moved his Majesty concerning the overture made by the Walloons for planting in Virginia, and he was pleased to refer the proposition unto the Council of Virginia; and from them he has this answer [which he sends to Carleton], subscribed by the Deputy of the Company, and as they like the answer, they may resolve to proceed or desist." Late in August the committee of the company sent a letter to the authorities in Virginia by the Marmaduke, in which they write: "We have received from his Majesty a Petition exhibiting unto him by certain Frenchmen and Walloons desires to inhabit in Virginia: We have considered of these propositions and have returned them so fine an answer as we consider they will resolve to go, they wilbe 60 families, consisting of about 300 persons, you may expect them coming about the next spring. We hope they wilbe a great strength to the Colony."

On September 21 the committee again wrote to Virginia, and sent the letter by the Warwick, which sailed in consort with the Tiger.

At the Virginia court of November 3 commissions were granted to the Bona Nova, Discovery, God's Helpe, and Elizabeth, to go first to Virginia, and then to make fishing voyages. Rev. Mr. Patrick Copland was admitted, and three shares given him.

November 9, there was a meeting of the committee; present, Mr. Deputy Ferrar, Mr. Gibbs, Mr. Wrote, Mr. Ayers, Mr. Nicholas Ferrar, and Mr. Roberts. They reported to the court the next day. They were now again having trouble with the king about tobacco. At the court Mr Deputy exhorted the Company not to be discouraged for he hoped that God had still a hand in the protection of Virginia, who turned all things for the best, when divers

other projects, formerly in their first appearance, seemed to tend to the very destruction of the plantation, and therefore hoped that having put their hands to the plough they would not now look back and be weary of well doing, for the action itself was such as he knew no man, but confessed it most Christian, honorable and glorious, and of high consequence to this Commonwealth. And though they might seem to have cast their bread upon the waters, yet after many days he doubted not but they should find it again to their great Comfort. The rather in regard their Lordships [the Privy Council] professed to wish the prosperity of the Plantation, from whom we may not despair of help or redress upon further information. That albeit the Company's stock being well nigh exhausted, was able to do but little this present year for sending of people to Virginia, yet it pleased God to stir up so many worthy minds for the advancement of this noble action, as there was no less — within the space of these six months — than twenty sail, with those that were already gone, and that would after Christmas, set out for the plantation, whereby above one thousand persons will be transported, whereof near nine hundred went upon private men's charges."

Anthony Gosnold, Jr., was allowed two shares for £25 adventured, and one share for his personal adventure; but touching the merit of his person he was referred to the committee appointed for rewarding of men upon their good deservings. The court recommended the translation and printing (to be sent into Virginia) of the treatise on the making of silk, etc., written by "Mr. Bonnell the Frenchman master of the Kings' Silk-works at Oatland. One thousand acres allotted to a School; Anthony Gosnold allowed three shares — He passed one to Robert Gosnold and one to Roger Castle."

November 17, an unknown person agreed to contribute forty shillings annually for a sermon to be preached before the Virginia Company in Michaelmas term, and desired that Rev. John Davenport might preach the first sermon.

At the Virginia court of November 24, Mr. Churchill Moore (or Moone) transferred eight shares: four to Charles Cratford (or Crafford), Esq., two to Richard Chetle (or Chedle), Esq., and two to William Wheat, Esq.; Francis Carter passed one share each to the following: Robert Chetonly, gent.; James Woodcott, Rev. George Butler, Isaac Gold, John Kirby, Thomas Wilson, and George Cornish. The court agreed to have the annual sermon on that evening, and after the sermon it was also agreed to sup together. Was this the first Thanksgiving sermon and supper?

The Michaelmas quarter court, December 1, gave two shares to Mr. Waterhouse; confirmed the lands to such adventurers as transported Captain Norton and his people for setting up a glass-furnace in Virginia; confirmed John Pountis as vice-admiral in Virginia for three years from date, and allotted 300 acres of land and twelve tenants to that office; sealed nine patents to adventurers and planters for 1200 persons to be transported to Virginia; commissioned the *Bona Nova*, the *Hopewell*, the *Garland*, and the *Discovery* to go first to Virginia, and after for a fishing voyage; and approved five subscription rolls: first, for setting up a glass-furnace in Virginia, £500; second, for a magazine for provisions of apparel and other necessities for the colony, £1800; third, for sending of maids to Virginia to be made wives, which the planters there did very much desire, £800; fourth, for the trade for furs in Delaware and Hudson rivers, etc., £900; and fifth, for the building of pinnaces, boats, and dwelling-houses for the use of the planters, . . . (?). The subscribers to these rolls were to receive their ratable share of profits according to their adventure.

The company wrote a letter to the authorities in Virginia on December 6, and sent it by the *Discovery*; another letter, of December 15, was sent by the *Bona Nova* and *Hopewell*, which sailed in consort.

On May 19, 1621, the Earl of Southampton had succeeded Sir Thomas Smythe as governor of the Somers

Islands Company, and the administration of that company was now in the hands of the Sandys party. Under the tobacco contract with Sir Thomas Roe and others (1620–21,) the Virginia and Somers Islands companies were permitted to bring only 55,000 pounds of tobacco into England, and therefore the Somers Islands Company was permitted to bring in the whole amount, and Virginia had set up a trade in the Netherlands for Virginia tobacco at Middelburgh. On October 22, 1621, the Privy Council sent a message to the Virginia Company, “that it was complained unto that board that the Company had set up a trade at Amsterdam and brought thither all their commodities from Virginia.”

The court of October 25 replied “that they never sent any commodities to Amsterdam, but for such tobacco as came from Virginia this year they had carried it to Middlebrough, being restrained by the King’s proclamation and order from that table from bringing any into this Kingdom this year.” “And touching their Lordships proposition of bringing all commodities into England,” they replied at length, at the court of October 27, “that it was impossible to do this, and to be required thereto would be a great inconvenience and hindrance to the Plantation,” etc., concluding, “8, and Lastly, it is not in our power to conclude this great business, wherein above a thousand adventurers here in England and almost four thousand inhabitants in Virginia have their interest.

“For the rest, they humbly beseech your Lordships to believe that they affect no foreign trades with any neighbour more than in case of necessity and for the better sustaining and advancement of the Colony; but shall always endeavour such a mutual trade between England and Virginia as shall stand with the honour and benefit of both; and so humbly desire your Lordships to conceive of them. That they chiefly aim at God’s glory, the good of this Kingdom, the advancement of his Majesty’s honour, and speedy increase of his Highness’s profit and revenue.

“For which ends they have, out of their own private states (besides their labour and time), expended above one hundred thousand pounds, *without return of profit or of any part of the principal itself to any one of the adventurers to their knowledge*, and yet doubt not, but by God’s blessing, his Majesty’s accustomed gracious favour, and your Lordships honourable furtherance, in short time to bring this great work to a good perfection.”

When this answer was presented to the Privy Council they replied “that they did not intend the Company should give answer touching the bringing in all their commodities, but only that of tobacco, whereby the King’s last year’s revenue might be still upheld. And therefore required the Company on Wednesday next to return their answer, whether they would bring in all their tobacco to England or none at all, or otherwise to accommodate the business with Mr Jacob.”

October 29, some of the company had a conference with Mr. Jacob (who had taken the tobacco contract for the year), who advised them to bring in their tobacco; but they reached no definite conclusion. November 1, the committee held a consultation over the matter, and on the 3d the court approved the humble answer of the Virginia Company to the Privy Council, touching the bringing in or not bringing in of all their tobacco from Virginia into England; which was presented to the Lords that afternoon in the name of the company. “They beseech the Privy Council for free liberty to bring into England, or not to bring in, their tobacco according as they shall find it most advantageous and beneficial unto the plantation.” But if this was not satisfactory, “altho’ to their own very great prejudice, they will for this year restrain themselves and forbear to bring in any tobacco at all from Virginia this year ensuing.” But their lordships “termed it an undutiful answer, and commanded them on their perils to bring in all their tobacco.” Against which “Deputy Ferrar and the rest alledged all the reasons that were so often in the court dis-

cussed, of impossibility, inconveniency, and the supposed overthrow of the plantation." The Privy Council at once issued their "order against carrying the products of Virginia to Foreign Countries before landing in England and his Majesty's customs paid therefor." But after the counter arguments the order was respited for four months, "which time being expired to be duly kept," etc. It was signed by the lord archbishop of Canterbury (Abbot), Lord Keeper Williams, Lord Treasurer Cranfield, Lord President Montague, Lord Carew, Mr. Treasurer Edmondes, Mr. Secretary Calvert, Master of the Rolls Cæsar, and Sir Richard Weston.

Sir Edwin Sandys afterwards said "that he had often debated this proposition in private with the Lord Treasurer, unto whom the impossibility of bringing all in was apparently shewed in respect the commodities in Virginia had three several sorts of owners, viz: — First, the Company; secondly, particular Hundreds belonging to adventurers in England; thirdly, private planters residing in Virginia. Over which two latter sorts the Company had no power at all to restrain them by law, and divers of them having ships of their own, it was not in the Company's power to prevent them to carry their goods whither they please. But yet he told the Lord Treasurer that such a moderate and fair course might be taken as to induce them all willingly to bring in their commodities, namely: if his Majesty would be so graciously pleased as to afford them the like privileges and favour as the King of Spain did to his Colonies in the West Indies, viz^t: that what commodities the plantations shall be able to serve this Kingdom with may be prohibited from being brought in from foreign parts. [Sandys, a free-trader in some things, was as to others a protectionist.] Without such a qualification he said his opinion was the bringing in of all commodities was a proposition extremely prejudicial to the plantations."

The report of the conduct of the tobacco, etc., case with the Privy Council was read to the Michaelmas quarter court

(December 1) and approved. The court was not hopeful of securing the demands from the crown, but thought that the Parliament (the Commons) might happily effect something which might ease the company of that care and labor. A choice and large committee of thirty-one members of the company (being members of Parliament and merchants mostly) was appointed by this court to manage this business, and, under their care, the order of November 3, 1621, lay dormant until March, 1623.

December 14, 1621, Lord Treasurer Cranfield wrote to Buckingham: "I have agreed with the farmers of tobacco for this year, for £8,000, and have told them to bring in but 60,000 lbs, and have left the Virginia and Burmootheres, free to bring in without restraint, and his Majesty to have the benefit of the impost. . . . This is £2,000 more than could be gotten by the Lords at Hampton Court. . . . The Virginia and Burmootheres Company have no reason to complain, there being no restraint, but they left to free trade."

It is curious to note that many of the same questions which have agitated our great republic in our day, also prevailed in the embryo republic of our founders nearly 300 years ago, — free trade, protection, monopolies, free elections, tobacco taxes, the negro, etc.

On December 29 (the day on which James I. adjourned Parliament), at a Virginia court, Francis Carter passed two shares to Robert Hall and one share to Richard Delbridge.

The petition for the new Virginia charter (see p. 397) was duly presented to the king by Doncaster, and the matter was considered by the Privy Council; but I have found no evidence that the warrant asked for was ever sent by the king or his Council to the attorney-general, or that the charter was ever presented to Parliament for confirmation. The particulars are meagre, but it seems more than probable that "those new clauses," which Sandys wished to make "secure" by having them confirmed by Act of Parliament, were among the causes of coming troubles.

On June 14, the king prorogued the Parliament to November 30. On June 26 (during recess) the Earl of Southampton, Sir Edwin Sandys, and John Selden were arrested. It is said that "the studies of the last two were presently searched for Parliament notes and papers." July 10, it was reported that "a proclamation was to be made to let the people know that Sandys is not restrained for his service in Parliament, but for other personal matters." The party was released on July 28, 1621.

During the imprisonment of Southampton and Sandys the affairs of the Virginia courts were under the charge of Sir John Danvers, aided by the two Ferrar brothers.

Early in September, Gorges and the other managers of the fishing case, who placed their hopes on the crown, willingly consented for the king to grant away the northeastern portion of their New England patent, and, on September 20, James I. granted to Sir William Alexander the patent for Nova Scotia (New Scotland) to be held of the Crown of Scotland, "the King's own dear native land." October 8, the Privy Council sent an official letter to the mayors of the port towns relative to encroachments on certain clauses in the New England charter; requiring them to conform to the ordinances which had been established under the authority of his Majesty's letters patent, and ending with: "Neverthelesse it is hereby intended and soe ordered, that the agreement made by order of this Board between them of New England and Virginia shall in all respects be duly observed by *either* partie." The colonies were thus mutually interested in keeping off the outside "free fisher." In 1622, Captain Francis West, of Virginia, was commissioned by the Council of New England to expel interlopers from these fisheries, and the fishing vessels sent from the settled colony in Virginia constantly carried needed supplies to the early planters of New England.

On November 6, the Privy Council wrote to Gorges and others, giving them authority for ordering the fishing fleet. And under the authority thus given them by the crown,

they soon after stayed some ships which were ready to go forth. But the turn of the Commons was now at hand.

Parliament reassembled on November 30, and Mr. Mallory soon rose in the House and said that he "misseth Sir Edwin Sandys. *Moveth we may know what is become of him.*"

On the same day, Mr. Glanvyle (M. P. for Tavistock) "moveth to speed the Bill of fishing upon the coasts of America; the rather because Sir Fer. Gorges hath executed a Patent sithence the Recess [the patent to Pierce and others sent by the Fortune]. And hath by Letters from the Lords of the Council stayed the ships ready to go forth," etc. The question was debated by Mr. Neale, Sir Warwick Heale (of the New England Council), Sir Edward Coke, and Sir Thomas Wentworth. It was ordered that the patent should be brought to the committee for grievances upon Friday, December 4, etc.; but the patent, which had now been delivered to Gorges by order of the crown, was *not* brought, so the matter was again continued.

Sir Edwin Sandys being still absent, on December 11, "Sir Peter Hayman and Sir James Mallory were appointed by the House of Commons to go into Kent, and see what state he is in, and if he is sick, indeed, to return his answer, whether he were committed and examined about anything done in Parliament, or about any parliamentary Business."

Sir George Moore said: "Unworthy to live, that would betray the Privileges of this House. This our principal Freedom. Never, in all his Time, Knew greater care to preserve their Liberties than this Assembly."

The causes for these arrests may not be certainly known. The Parliament was assured by Calvert that "neither Sandys nor Selden had been imprisoned for any Parliament matter." What answer was returned by Sandys from Kent I do not know. In Peckard's "Ferrar" it is stated distinctly that "the matter was the Virginia business;" that "Gondomar and the King had now agreed upon the destruction of the Virginia Company;" that Sandys "had

taken Selden's opinion upon the words of the [new] charter, and his direction how to oppose the underminers of it to the best advantage." Arthur Wodenoth's account is to the same effect; that they "were committed close prisoners upon private assumed suggestions, which struck some terrour into most undertakers for Virginia." It was also asserted that Sandys was "opposed to monarchicall government in general, and designed to make a free popular State in Virginia."

I have tried in vain to find the text of this most important "proposed new charter for Virginia." I could not find a trace of it in the records of the attorney-general, solicitor-general, Privy Council or anywhere else in England. The impression on my mind is that the contest over it was of the gravest character and of the greatest consequence. Every vestige of it seems to have been obliterated from the public records of England more effectually even than the page soon after torn from the Commons journal by the hands of the king. So far as I have been able to find out, it was never permitted really to reach Parliament. Circumstances indicate that this charter which the Virginia Company proposed to make secure by having it confirmed by act of the power then disposed to oppose a too arbitrary "monarchicall government," was even more popular than the charter of 1612. And that it was at least one of the causes of the aforesaid arrests is rendered still more probable by the fact that the result of the arrest of Sandys was the suppression of this charter. The effort to have the increasingly popular ideas of Sandys confirmed by Parliament must have been very displeasing to James I.

It was also asserted that "Sandys was arrested for having spoken in Parliament in defence of the Liberty of the subject." The New England Charter was a Parliament matter. It had been objected to because it monopolized the trade of the New England coasts and the fishing in the sea. For these reasons Sandys had opposed it, because he felt it to be "his duty to protect the rights of the

subject against the encroachments of the crown." His remonstrance against the king's conduct towards his first Parliament (1604-1611) shows that he had adopted the principles of liberty at an early age. Mr. John Selden was not then a member of Parliament, and I do not know that he had taken any part in the controversy over the New England Charter; but in the fall of 1622, Alderman Johnson and himself assisted that company in drafting their new grand patent.

On December 28, the clause in the New England Patent against free fishing was again being considered. On the same day the king sent the noted letter, which was answered "by the dim candle-light in the gloom of that December afternoon" by the memorable *protestation*, asserting "That the Liberties, Franchises, Privileges and Jurisdictions of Parliament are the ancient and undoubted birthright and inheritance of the subjects of England, that the affairs of the King and the State, of the defence of the realm, and of the Church of England, the making of laws, the redress of grievances, are proper subjects of debate in Parliament; that in handling such business every member of the House hath — and of right ought to have, *freedom of speech*, and that every member hath like *freedom* from all impeachment, imprisonment, and molestation, except by the censure of the *House itself*."

One of the last acts of this House of Commons, on the last day of its sitting (December 29) was to "Request Mr. Treasurer [Cranfield] to influence the King to suspend the Patent of Sir Ferd. Gorges, which restrains fishing on the coasts of New England." The king adjourned the House on that day, and finally dissolved it at the instigation of Gondomar. For the next two years the crown (the king and Council) ruled the realm, and the two colonial companies ruled the fishing at Cape Cod as well as they could.

January 9, 1622 (N. S.), James I. went to Whitehall, sent for the journals of the House, and, in the presence of

the Privy Council and of the judges, tore out with his own hands the page on which the protestation of the Commons was written. Gondomar regarded this open breach between the crown and the Commons as "the best thing that has happened in the interests of Spain and the Catholic religion since Luther began to preach heresy a hundred years ago."

It was during this session of Parliament, in connection with the consideration of the proposed new Virginia charter to be confirmed by Parliament (as a protection against the whims of the king), the arrest of Sandys, etc., that James I., under the guidance of his Privy Council (or a part of them) and the royal party, and, it was said, under the influence of Gondomar (being now convinced that the Virginia courts were "a Seminary of Sedition"), determined to annul the popular rights of the Virginia Company as soon as he could find a fair pretext for doing so. Mr. John Ferrar, in the Life of his brother Nicholas, which was left in manuscript, because it could not have been published at that time, refers to these matters. He says that "the Marquis of Hamilton and the Earl of Pembroke solemnly affirmed to the Earl of Southampton, that they heard Gondomar say to the King: 'That it was time for him to look to the Virginia Courts which were kept at the Ferrars' house, where too many of his Nobility and Gentry resorted to accompany the popular Lord Southampton, and the dangerous Sandys. That though they might have a fair pretence for their meetings, yet he would find in the end that Court would prove a seminary for a seditious Parliament. That they were deep politicians, and had farther designs than a Tobacco plantation. That their proceedings in the issue might cause, if not timely prevented, occasions of difference between his Majesty, and his Master the King of Spain. For he had heard rumours, that once being become numerous, they intended to step beyond their limits; and for aught he knew they might visit his master's mines. Adding, that he had occasion of late to have a conference with the managers concerning a ship laden with

Silver, which was cast away [this conference was in February, 1622, about the *Sancto Antonio*, a Spanish ship, wrecked on the Bermudas]; and that he found them subtle men, men of high courage, men who no way regarded either his master [the king of Spain] or their own master [the king of England].’ These lords, therefore, then advised Lord Southampton [the treasurer of the Virginia Company] to be upon his guard,” etc.

It was soon reported in London that “one of the demands of the King of Spain in view of the proposed alliance between Prince Charles and his daughter was that James I. should surrender unto Spain, Virginia and the Bermudas and altogether quit the *West Indies*; ” that is, America. It may be that Gondomar, in prejudicing James I. against the Virginia courts, was trying to make it the easier for the king to surrender his American colonies; but the so long continued bartering about “the Spanish match” seems to have had nothing more than diplomatic results.

Gondomar’s connection with the controversy between the crown and the Commons during the last Parliament was his culminating act in England. He finally left for Spain in May, 1622, never to return to England again.

Each party in the Virginia Company was now accusing the other of being under Spanish influence, and some members of each party may have been; but how far either party, as a party, was justified in using “Spanish influence” as a weapon against the other is open to the question. In the course of time, circumstances and occasions produced changes in the parties themselves, and the evidence is not sufficient to enable us to draw the party lines clearly at all times, if at all; but there had been for several years two parties within the company contending for the control of the company, of the tobacco trade, etc., and it came to pass (then as now) that each party was willing to use any weapon likely to aid in defeating the other. Prior to 1618 the managers of the enterprise seem to have

received the support of both national parties and to have bent their undivided efforts toward the success of the movement ; but James I. had no faith in Sandys, whom he regarded as “ a crafty man with an ambitious design,” and he granted the Sandys party no favors. He only made a pretence of suppressing the New England charter and of granting a new patent to the Virginia Company to be confirmed by Act of Parliament. Owing to the king’s opposition and “ to the inquisition of the Privy Council many Lords and others of all ranks of the more timorous nature *fell from the true sense and justice of the work chiefly intended,*” and these dissatisfied and ex-members of the company were now forming a party which finally aided the court party in having the enterprise resumed by the crown.

On February 7, 1622, Mr. Balmford was given two shares ; and Mr. Evans passed two shares to Thomas Newton.

In February, 1620, “ Dust and Ashes ” contributed £550 for establishing a school for the education and conversion of the Indians in Virginia. On February 7, 1622, he wrote to the company to know what had been done in the matter, and promising £450 more for the same purpose under certain conditions. The Virginia court of February 9, 1622, replied that, after serious deliberation over several propositions, it was finally concluded (in the spring of 1620), as best to employ “ the said money together with a much larger sum out of the Southampton Hundred Society’s purse toward the furnishing out of Captain Bluet and his Company, being eighty able, very sufficient workmen, with all manner of provisions for setting up of an iron-work in Virginia, whereof the profits accruing were ordered in a ratable proportion to be employed for the educating of thirty of the infidels’ children in Christian religion, as the donor had required ; to which end they writ very effectual letters unto Sir George Yeardley, then Governor of Virginia, and Captain also of Southampton plantation, commending the work,” etc.

“But Captain Bluet, dying soon after his arrival, was a great setting back of the iron-work; but a fresh supply had been sent thereto, and they hoped that the gentleman would finally receive good satisfaction.” Sir Edwin Sandys wished that the gentleman would make himself known, so that there might be a meeting between him or his friends and the Southampton Hundred Society, that, all things being fully debated, some constant course might be resolved on and pursued to the perfecting of this most pious work.

Late in 1618, Captain Martin Pring, of the *Royal James*, joined his fleet to Sir Thomas Dale’s fleet in the East Indies, the whole being under Dale’s chief command. At Dale’s death, on August 19, 1619, at Masulipatam, Pring succeeded him in command. While his ship, the *Royal James*, was at the Cape of Good Hope, on the return to England, her chaplain, the Rev. Patrick Copland (whom Dale had interested in Virginia while they were serving together in the East Indies), gathered from the gentlemen and mariners in the said ship the sum of £70 8s 6d towards the building of a free school in Virginia. The ship reached the Downs, September 28, 1621, and London soon after. For his services in this matter, and for his letter to the same purport to diverse factories in the East Indies, the Virginia court, of November 3, admitted Mr. Copland a free brother of the Virginia Company. At a meeting of the committee on November 9, it was decided to use the money in the building of a school rather than a church; that the school should be called the East India School, and located in the corporation of Charles City. An unknown person contributed £30 to make the £70 an even £100. The Virginia court the next day ratified the acts of the committee, and the quarter court of December 1 confirmed them. The money was then paid to the Earl of Southampton, the treasurer, and the court added 1000 acres of land in Virginia to the said free school. At the next quarter court, February 9, 1622, a “person, not willing as yet to be knowne,” sent £25 in gold “to helpe

forward the East Indie Schoole ;” and “the gentlemen and mariners that lately came home from the East Indies in the two ships called the Hart and Roe-Bucke, being at the Cape of Good Hope, homeward bound, gave towards the building of the aforesaid Free-schoole in Virginia the summe of £66 13s 4*d*,” making a total of £192 1s 10*d* (\$4800?). I suppose these sums to have been given as thank-offerings for having safely rounded the Cape. The Virginia court of March 23, 1622, agreed with Mr. Dike for the usher’s place in the East India free school intended at Charles City, in Virginia ; and if he proved to be competent he was to be confirmed in the place of the master of the said school, and allowed one hundred acres of land as his own proper inheritance, the company to furnish books for the school, for which he was to be accountable, and for the children, for which their parents were to be answerable. Mr. Dike did not go, and the company had afterwards to make other arrangements.

The Virginia court of December 29, 1621, took into their consideration Mr. John Brinsley’s “Consolation for our Grammar Schooles,” especially designed “for the more speedie attaining of our English tongue” by people of such rude countries as Ireland, Wales, Virginia, and the Somers Islands.

Sir John Wolstenholme, and others of Martin’s Hundred society, proposing to send a large supply to Virginia, a court was called on February 1, 1622, to advance their object ; and the quarter court of the 9th renewed their patent according to that already given to Southampton Hundred.

At the Somers Islands court on February 16, a committee was appointed to manage the matter of the land which the Virginia Company proposed giving them, “in consideration of the great defect of the quantity of Land in the Summer-Islands.”¹

¹ It so happened that they failed to secure this land ; and in July, 1639, the Somers Islands Company petitioned the Crown to grant them the northern neck of Virginia, in consideration of the premises ; but this also failed.

February 22, 1622, the mayor of Plymouth wrote to the lord treasurer, requesting fulfillment of his promise "that they may not be interrupted by Sir Ferdinando Gorges in their fishery for Virginia, the western ports having little employment for the people but in shipping."

At the court of February 9, Captain John Martin, of Virginia, presented a petition signed by the earls of Pembroke, Warwick, Leicester, Montgomery, and Sheffield, Sir Robert Mansell, Sir Thomas Smythe, Captain Francis West, William St. John, Robert Johnson, Samuel Argall, and William Canning, asking the court to confirm Martin's old patent unto him. The reply was made at the court of March 23, "refusing to do this, but saying that if he would surrender his old patent, a new one would be given him of all his land with as large and ample priviledges as any other hath, which favour all but himself had most willingly accepted of." After the Sandys administration came in all the old patents had been called in and altered to suit the views of the new officials; but Martin continued to refuse to submit to this.

At the Virginia court, February 23, 1622, Sir John Wolstenholme passed three shares to John Harrison; Sir Edmond Harwell three shares to Mr. Francis Harwell; Mr. John Clarke admitted, and two shares given him; Francis Carter passed two shares to Francis Goodwin, and one to Oliver Mordon (or Morton); to Mr. Thomas Bulkeley two shares in the right of Sir Richard Bulkeley; and Mrs. Elizabeth Berkeley was allowed five and one half shares of £12 10s per share.

At the court of March 9, Hildebrand Pruson passed one share to Thomas Pemble; Edward Faucett three to Mr. Nicholas Ferrar, and Mr. Scott three to Mr. Patrick Copland.

At the court of March 23, Captain Thomas Each was admitted, and five shares given him; Joane Read was allowed one hundred acres, due to her father, deceased; Francis Carter passed one share to Philip Wood, and six shares of

Mr. Hamor's to Thomas Melling, and Captain Hamor passed two shares to Henry Hutchinson.

At the court of March 30, John Dennis was admitted.

At the court of April 6, Sir Anthony Pell and his lady passed two shares to William Savill; Edmond Brudenell two shares to Francis, his son; Thomas Melling two shares to Mr. Robert Jefferyes, and Francis Carter passed nine shares, as follows: three to Mr. Paulsted, two to George Mole, gent., two to John Bowater, one to Richard Stevens, and one to Mr. Richard Markham.

The company had at first chosen Richard Norwood to go as a surveyor to Virginia, but afterward determined to send him as an engineer to fortify that colony as he had done the Bermudas. On April 8, 1622, the earls of Pembroke and of Warwick, William Lord Cavendish, Sir E. Sackville, William Lord Paget, Sir Edwin Sandys, Lord Brooke, and Sir Nathaniel Rich, of his Majesty's Council for Virginia, wrote to Sir Dudley Carleton: "Forasmuch as Richard Norwood who presents this letter hath approved himself to be a man skilful as well in setting out the forms of towns & fortifications as also in framing of sundry useful and necessary engines, they have therefore thought fit and the rather for *his faithful and able service to the Virginia Company heretofore*, to employ him as an engineer in that Plantation. Nevertheless, knowing the Netherlands to afford store of ingenious inventions of that kind, they have determined before his going that he shall spend some few weeks in those parts thereby to improve that quality of his for the better performance of the service he hath undertaken. And they entreat Carleton to further him with passports and letters of favour for his more easy passage, and more free access to view such works as may serve for his instruction." From this letter it seems that he had previously done faithful service in Virginia, as we know that he had done in the Bermudas, and probably of the same kind. He may have gone to Virginia with Argall in 1617, but I have not the particulars.

Captain John Bargrave, like many others, had lost by his personal ventures to Virginia. In the summer of 1618 he brought suit against the officers of the company to recover his losses from them; and they entered a counter suit against him to recover his debt due the company. The case went through the Virginia courts; then into chancery; and, in 1621, Bargrave presented to the committees for grievances of the lower house of Parliament, "the humble petition in the behalf of himself, the absent Planters in Virginia, & all other adventurers that shall adventure their estates under a government ruled by voyces, where the Governor being corrupt the greatest joint stocke may by practize & faction & so dispose of the government as they may by the means of the instruments thereof monopolize the whole profit that shall arise out of the said adventure into a few private hands," etc. To this petition Sir Thomas Smythe and Alderman Johnson replied in November, 1621: "Letting pass all paine and Impertinent matter — to the first point material — That Sir Tho: Smith hath framed a tyrannical government imposed upon the people in Virginia. "Sir Tho: Smith saith that the comissions given by him as Treasurer and the rest of his Majesties Councell for Virginia, unto Sir Tho. Gates and other the governors sent to Virginia were never otherwise, but expreslie to rule and govern as near as may be according to the laws of England as by the said Comissions ready to be shewed may appeare. But if any of those printed lawes and articles to which the said Bargrave referreth may seem too severe as upon pain of death to be observed, howsoever being rightly weighed they are justifiable by the laws of England. Yet they were not framed by Sir Tho: Smith as is most untruly alledged, but by those worthy governors in Virginia, as the very title and printed preface to the book itself sets down. Which laws and Articles Sir Tho: Smith was so far from framing or making them as in a letter written to Capt. Martin one of the first planters and an especial man at that time in Virginia, that he signified his dislike in the

strickness thereof, fearing it would discourage men from going to the plantation. Yet all the said Governors, vizt : — the Lord La Warr and Sir Tho: Dale deceased as also Sir Thomas Gates and Capt. Argall, now living and ready to witness did see such a necessity that the said laws should be made and published in some cases *ad terrorem* and in some to be truly executed,” etc. The answer goes on to deny every one of Bargrave’s statements. “The books of laws was not directed to be printed by Sir Thomas Smith alone but by sundry of his Majesties Councill for Virginia whereof many are very honorable Lords and Knights, and of this honorable House — That Bargrave did not plant the first private plantation in Va. ; or lose £3.000 in one voyage there,” etc. Then they made countercharges against Bargrave: That his deputies unfurnished the colony of necessary provisions and furnished the Indians with arms by way of trade, etc., as Captain Argall was ready to testify ; that he owed the Company £500, and had set up this suit in chancery to keep from paying it, etc. “They certify that Sir Tho: Smith and Alderman Johnson had devoted many year’s paines for the good of Virginia with their own disbursements and great engagements even to this day in the greatest disasters of that plantation, many years before Bargrave’s name was known in that work as is ready to be witnessed against him, and those by whom he is animated, to this complaint ; and they pray this honorable committee to determine some way for correcting this corse and easing this their greivance which may be any man’s case to be so abused if it be suffered without punishment.” The case in chancery had been set for November 20, 1621 ; Smythe and Johnson had their “counsell feed and allthings ready for a hearing,” when Bargrave succeeded in obtaining a new day in the next term, and they were protesting against “his dilatorye course” to the grievance committee of Parliament, which adjourned so soon after that it is probable no steps were taken by the House. But in March, 1622, the case was tried by Lord Keeper Williams, Mr.

Justice Jones, Sir Robert Rich, and Sir Edward Leech, who, finding it matter of state, referred the petitioner (Bargrave) to the Privy Council. In the articles presented to the Privy Council, Bargrave tells them that "*the popular government* here by voices founded on a joynt stock will (if it be not prevented) lay ye foundation of ye plantation in such factions and disordered matter that will make it uncapeable of that form which must hould it to England, . . . although there hath been of late good laws made to prevent it, and that the government bee now in good hands, yet nothing but the *altering of the forme* can do it. . . . I humblie intreate your Lordships aid in ye obtaining of a Comission from his Majestie for the examining restifying and ordering of the said government; That thereby your petitioner may be releaved, the publique wrongs redressed and such a forme settled that doing right to all parties interested in the plantation *it may fix the government of Virginia in a dependency on the crowne of England.*" In his letter to the Privy Council, written, it seems, some days after his articles, he tells them that he had "endeavoured to frame a forme of government, *to tye Virginia in a dependence on our Crowne of England.*" In his opposition to the popular form of government under the Virginia charters, he was as anxious to bring about this dependence as our Revolutionary forefathers were to dissolve it, and to restore the popular ideas. He refers the Privy Council to his five treatises, which the Virginia courts of March 4, April 22, and June 23, 1621, had considered. He had now succeeded in making his case a matter of state, and on April 22, 1622, the Privy Council ordered the treasurer and Council of Virginia to make answer to his petition and articles with all convenient expedition.

After the reports of Dermer's discovery of "the furr trade in Hudson's river" reached England, it seems that both the New England and Virginia companies made preparations to take advantage thereof. "Capt. Sam^l Argall

with many English planters were preparing to go and settle on Manahata river, when the news reached England that the Dutch had intruded. Whereupon Sir Ferdinando Gorges, and others, made complain to James I.," and on December 25, 1621, the Privy Council issued an order against the Dutch trading to New England, and wrote to Sir Dudley Carleton to protest unto the States General in his Majesty's name against the settlement and trade of the Hollanders in his American possessions. On February 9, 1622, Carleton presented to the States General a memorial of additional complaints against the trade, etc., of their people in the precincts of Virginia. And, on February 15, he reported to the Privy Council, that the Hollanders had a fur trade there; but he could not learn of any colony either already planted there by these people, or so much as intended. "And I have this further reason to believe there is none, because within these few months divers inhabitants of this country to a considerable number of families have been suitors unto me, to procure them a place of habitation amongst his Majesty's subjects in those parts; which by his Majesty's order was made known to the Directors of the [Virginia] plantation, and if these country men were in any such way themselves, there is small appearance they would desire to mingle with strangers and be subject to their government." Nevertheless he had submitted the matter to the States General, and "when I shall receive their answer I will not fail to advertise your Lordships." Prior to this, Carleton had written to Mr. Secretary Calvert on the same subject, who replied, on February 17, that he remembered about the business of the Walloons, but "did not remember you had any direction to treat with the States concerning the new plantation of the Hollanders in Virginia." Yet Calvert's name is signed to the Privy Council's letter of December 25, 1621. Carleton again applied to the States for an answer to his proposition relating to Virginia, and, on March 16, they requested Burgomaster Pauw to write to the part-

ners in the trade to the island of New Netherland for the desired information. Three days after this Carleton wrote to Calvert that "as yet he had no answer to the complaint, but they have the business in hand before the States in Holland which are now assembled." April 27, 1622, the States passed a resolution on Carleton's communication to the effect that it should "be examined, together with what has been published in print at Amsterdam on this subject." Sir Ferdinando Gorges says that the final reply of the States was to the effect, "that they knew of no such thing [as a settlement on the Hudson], if there were any, it was without their authority, and that they onely had enacted the [West India] company for the affaires of the West-Indies." The States had frequently authorized ships to trade between Virginia and New France (40° and 45° north latitude), which they called New Netherland, and the Dutch West India Company (chartered June 3, 1621) was now being organized. It is probable that the replies to Carleton were purposely dilatory. Before the reply to the Walloons (of August 21, 1621) from the Virginia Company in England was received in Holland the Dutch West India Company was making ready for permanent business, and the Walloons soon appealed to that company, probably because they did not "desire to mingle with strangers." On April 21, 1622, the company made a favorable report "relative to the Families to be conveyed to the West Indies;" that is, America. On August 27, Jesse de Forrest, the leader of the Walloons, who now wished to emigrate to the Dutch claim in America, was commissioned by the States of Holland "to enroll colonists and their families" for this purpose, and in 1623 they settled New Amsterdam (New York).

At the Virginia courts of March 9 and 23, and of April 6 and 13, good news from Virginia was read to the company: of the safe arrival of Sir Francis Wyatt; of the good progress of all things there; of the safe return of the Marmaduke, the George, the Warwick, etc. Whereupon

“it was resolved that a sermon should be preached to express the company’s thankfulness unto God for this His great and extraordinary blessing [the arrival of nine ships in Virginia during November and December, and the safe landing of 800 persons, which were sent from England and Ireland]. To which end the court entreated Mr. Copland, being present, to take the pains to preach the said sermon.” And it was decided to have it preached in Bow Church, on Wednesday, the 27th of April. It was afterwards postponed for a day, and delivered on April 28, from the text, Psalm cvii. 22–30 : “ And let them sacrifice the sacrifices of thanksgiving, and declare his works with rejoicing. They that go down to the sea in ships, that do business in great waters; these see the works of the Lord, and his wonders in the deep,” etc. It was entered for publication at Stationers’ Hall, May 28, under the title of “ Virginia’s God be thanked.” Was this the second thanksgiving sermon ?

The court of May 18 appointed Mr. Bland, Mr. Casewell, Mr. George Smith, and Mr. Mellinge to dispose of the company’s tobacco brought home in the *George*. It was to be sold in England. They proposed employing Rev. Robert Staples to go as a minister to Virginia, if he gave good testimony of his sufficiency by a sermon which was to be preached before them at St. Seythe’s Church. They agreed with Captain Samuel Each of the *Abigail* for another voyage to Virginia, to take Lady Wyatt there, and to erect a fort on a bar near Blunt Point in James River. In reply to the request of Lord President Montague of the Privy Council in behalf of a kinsman of his now going to Virginia, the court ordered a letter to be written to the governor of Virginia in his favor.

At the Virginia court, May 13, Henry Wolstenholme passed three shares to John Wolstenholme; Francis Carter, two shares to George Brookes, and Ambrose Wood two shares to Nathaniel Etherington or Eldrington.

At the court of May 18, Clement Wilmer passed two

shares to George Wilmer, and Francis Carter one share to Henry Wentworth. I have an idea that the shares were passed by Francis Carter in his official capacity. Possibly they had been forfeited by former owners after paying for them in part.

At a preparative court, May 30, Lord De la Warr and the lady, his mother, passed five personal shares to John Parkhurst; Sir Henry Mainwaring passed five shares to his brother, Thomas Mainwaring, Esq., of the Inner Temple; Sir Samuel Sandys, one share to his son, Sir Edwin Sandys; William Felgate, citizen and skinner of London, one share to his brother, Tobias Felgate of Ratcliffe, mariner; Philip Jacobson, one share to his younger brother, James; and Francis Carter passed one share to "Mr. Thomas Addison of Lincoln's Inn, in the county of Middlesex, Esq." "Pharao Finton, a surgeon, petitioning for restoring the land given him by Sir Geo. Yeardley then governor, in reward of his services, which he says has been since taken away by Roger Smith. It was ordered that he should have ground elsewhere."

The Easter quarter court, the end of the Earl of Southampton's second term, fell on June 1, 1622.

VI

VIRGINIA, NOVEMBER 28, 1621 — NOVEMBER 28, 1622

SIR FRANCIS WYATT'S FIRST YEAR AS GOVERNOR

SIR FRANCIS WYATT was the first, and, it so happened, the only governor sent to the colony in Virginia by any other administration of the company in England than that of Sir Thomas Smythe. He was sent out as well equipped in every way as possible, the officials in England feeling confident that he would faithfully carry out their ideas; and their sincere thanks for the knowledge of the safe arrival of his fleet in Virginia can be very readily understood and fully appreciated. At least four of these ships arrived before Sir George Yeardley's term as governor had expired; namely, the *George*, the *Marmaduke*, the *Charles* (of 120 tons, left England with 80 persons, some brass pieces, etc.), and the *Temperance* (80 tons, with 50 persons). Sir William Newce, marshal, and Mr. Michael Lapworth, arrived in one of these ships.

Governor-elect Wyatt arrived on the *George* (180 tons, Mr. Wiseman's ship, William Ewens, master, with 120 persons), by which ship the Council in England sent to Governor Yeardley a letter dated August 4, 1621, telling him that "they had sent Sir Francis Wyatt to be the future governor; Mr. George Sandys to be the Treasurer in Va. [an official which had been asked for by the General Assembly of August, 1619]; Mr. Christopher Davison to be Secretary;¹ Rev. Mr. Hawte Wyatt to be preacher to the governor's tenants; Rev. Mr. Bolton for Elizabeth City

¹ Son of Secretary William Davison, the friend of Elder Brewster. His brothers, Francis and Walter, were poets, and he was a poet himself. He entered Gray's Inn in 1597. His

to inhabit with Capt. Tho. Newce; Dr John Potts for the Physition's place with two Chirurgions and a chest of Phisicke and Chirurgery; Mr Wm Claiborne to be surveyor (first to set out the public lands [3000-acre tracts], next lands belonging to public officials or places [1500-acre tracts], next particular Plantations, and then that of private persons—these last to pay him 6 shillings per day); Mr John Pountis to be Vice-Admirall in Virginia." They urge him to aid Mr John Berkeley and his son Maurice about the iron-works; the Dutchmen about the saw-mills; "exceedingly approve the course in taking in of Indian families into the homes of the colonists, as being a great means to reduce that nation to civility, and to the imbracing of our Christian religion;" thank Mr. Thorpe for his letters and his "endeavours upon those staple comodities of wine and silk;" thank Captain Thomas Newce for his past services and add 300 acres to make the allotment of 1500 acres for his office; tell of their determination to send a ship to trade for furs in Hudson and De la Warr rivers; urge the building of guest-houses; commend and reward Lieutenant Whitaker for building one the last year; beg him to assist Captain William Norton in erecting glass-works. "Hoping you will not fail in the least, but deliver up to your successor Sir Francis Wyatt, or in case he dye to such a one as by the Counsell in Virginia shall be chosen at the expiration of your comission, the comand of the Colony in good and flourishing estate, and much better in condition than when you found it," etc. Signed by the Earl of Southampton, Mr. Deputy Ferrar, Sir Edwin Sandys, Dr. Anthony, Dr. Gulstone, Dr. Winston, Mr. Nicholas Ferrar, Mr. Gibbs, Mr. Wrote, and Mr. Wroth.

The Marmaduke (100 tons, Marmaduke Rayner, captain, John Dennis, master, with 80 persons) also brought a letter to the authorities in Virginia, dated August 31, 1621, "sent by Mr. Leech, duplicates of their last letter, of the Instructions and commissions; sent by this ship one widow and eleven maids for wives, at the expences of the Earl of

Southampton and others — every man that marries one to give 120 lbs of best leafe Tobacco for her, and in case any of them dye [before marriage] that proportion must be advanced to make it up to upon those that survive, they not to be married to servants, but only to such freemen or tenants as have means to maintain them ;” urges the officials to be as fathers to them and make “their condition so much better as multitudes may be allured thereby to come unto you ;” commend to their care “Capt. Wm. Norton and his Italians, who go by this ship ; also twelve lustie youths for Martin’s Hundred.” As in all their letters they urge the finding of other staple commodities than tobacco. They send copies of the letters and agreements with Mr. Gookin about cattle, and tell of their hopes to send some families of Walloons the next spring. Signed by Lord Sheffield, Sir John Danvers, Mr. Samuel Wrote, Mr. John Ferrar, Dr. Thomas Winston, Mr. Nicholas Ferrar, and Mr. Thomas Sheperd.

Sir George Yeardley’s term expired November 28, 1621, and Sir Francis Wyatt succeeded him on that day. Among the documents brought from England by him were his own commission and the commissions of the sundry recently appointed officials ; a copy of a treatise of the plantation business, etc. (said to have been written by George Ruggle), recommended to the councilors to study ; instructions to the governor and the Council of State in Virginia, consisting of forty-seven articles, and signed by the Earl of Southampton, Sir Edwin Sandys, Sir John Danvers, and others of the Council ; an ordinance and constitution of the treasurer, Council, and company in England for a Council of State and General Assembly, dated August 3, 1621. (The original was of November 28, 1618.) The Council of State inserted were : Sir Francis Wyatt, governor ; Captain Francis West, Sir George Yeardley, Sir William Newce (marshal of Virginia), Mr. George Sandys (treasurer), Mr. George Thorpe (deputy of the college), Captain Thomas Newce (deputy for the company), Mr. Paulett, Mr.

Leech, Captain Nathaniel Powell, Mr. Christopher Davison (the secretary), Dr. Potts (the physician to the company in Virginia), Mr. Roger Smith, Mr. John Berkeley, Mr. John Rolfe, Mr. Ralph Hamor, Mr. John Pountis, Mr. Michael Lapworth, Mr. Harwood, and Mr. Samuel Maycock.

Monthly courts had been instituted by Yeardley in 1619 under the civil law ordinance of 1618. In addition to the old ordinance, it was now appointed that the Council of State in Virginia "should assemble *four times* a year, to hold *quarterly sessions* [courts] for one whole week, to assist the Governor, as well in matter of Council as of State, and in all causes of importance, as also for redress of general and particular grievances." These first quarterly colony courts in Virginia were held in winter, spring, summer, and fall terms, as the quarterly company courts in England, but they did not meet on the same dates, and they continued in session longer. A few of the early records of these courts have been preserved for us, and these are now being printed in "The Virginia Historical Magazine," in order to preserve them for our posterity.

The copy of the old ordinance now preserved at Longleat, County Wilts, England, has the following contemporary marginal note in explanation of its last clause: "After the settlement of the countrie noe Appeales to be made from the Assembly nor noe orders shall bind the said colony, unlesse they shall be ratyfyed & confirmed by the General Assembly." The last humble suit of the first General Assembly (1619) had been that the Council and company would be pleased to make good their promise set down in this clause, so soon as they shall find it convenient.

At the Virginia court in London, on November 14, 1620, Sir Edwin Sandys urged the necessity for suppressing the inordinate excessive planting of tobacco, and the substitution therefor of other commodities, and suggested that a committee of merchants might be appointed to set good

prices on such other commodities as the country might produce. On November 25, Mr. Deputy Ferrar presented to the Earl of Southampton the list rated particularly by the committee at such prices "as they are now sold at here in England." They were requested to again revise the list and to make it more favorable to the planters in Virginia. This was done from time to time, and the list was finally published as a broadside, copies of which were brought over to Virginia by Wyatt, as well as of the various other recent publications of the company. The list is more extended than that of 1610;¹ but it does not give the price for tobacco, sassafras, or maize. Iron was £10 the ton; hemp, 10s to 22s the hundred; flax, 20s to 30s the hundred; cotton wool, eightpence the pound; hard pitch, 6s the hundred; tar, 5s the hundred; turpentine, 12s the hundred; rosin, 5s the hundred; masts for shipping, 10s to £3 a piece; pot-ashes, 12s to 14s the hundred; soap-ashes, 6s to 8s the hundred; clapboards, watered, 30s the hundred; pipe-staves, £4 the thousand; sumac, 7s the hundred, "whereof great plenty in Virginia and good quantity will be vented in England;" sables, 8s to 20s a pair; other skins, 3s to 5s each; luzernes, 2s to 10s each; martens, the best, 4s; wild-cats, 18*d*; fox-skins, 6*d*; muskrat skins, 2s a dozen, "and the cods of them will serve for good perfumes;" beaver skins new in season, 7s each; old skins, 6s the pound, etc.

Many of the instructions to the governor and Council are repeated in the official letters. The first article was to the effect that in religion they were to conform to the discipline of the Church of England as near as may be; that laws were to be administered to all as near as could be to the forms and Constitution of England, and that the people should be kept in due obedience to the king of England.

Sir Edwin Sandys, on July 17, 1620, when considering the new laws, orders, and constitutions which they were about to prepare for Virginia, "put the Va. Council in

¹ *The Genesis of the United States*, pp. 384-386.

mind of one principal part of their duty and oath, to have care, by wise and politic constitutions, to hold the colony in assuredness of firm and perpetual loyalty to his Majesty and this crown, which caution, in regard of the far distance of that place, I hold to be necessary." Under the popular charters drafted by him, every emigrant to the colony was required to take the oath of allegiance and supremacy. Yet, notwithstanding these things thus purposely given to the public, and although himself and the other managers of the enterprise were of the Church of England, the idea that the colony would finally drift away from England if allowed to continue under the popular charters, had been growing since 1612. This idea was now being seriously considered by the Privy Council, and becoming a factor in the politics both of the crown and of the Commons. For although Sandys was of the Church of England and a lover of his country, he also favored toleration, and was an advocate of civil and religious liberty; and although these ships brought these articles, signed by him, they also brought to Virginia the news of his recent arrest and the various reports of the reasons therefor.

Governor Wyatt at once called a General Assembly, which met early in December (N. S.). The complete records have not been found, but it was chiefly devoted to carrying out the instructions recently received from England; encouraging the cultivation of other commodities than tobacco; prescribing rules for planting mulberry-trees, for preventing those growing from destruction, and for making silk; for planting vines and making wine, etc. James I., who thought that the growing of tobacco was a mismanagement, was then taking an especial personal interest in the making of silk and wine in Virginia. He felt confident that they would become most valuable commodities to the colony. The Assembly also authorized the building of an inn at Jamestown for the better entertainment of newcomers.

In November, 1620, the company had agreed to pay Mr. Daniel Gookin (Goggin, Cockin, Cockayne, etc.) and Mr.

Thomas Wood "to transport from Ireland to Virginia, after the rate of £11, the heifer of the English breed, and she goats at £3 10s a piece." In July, 1621, Mr. Gookin desired that the words of the agreement might be more clearly explained. This the company did; and, according to his request in his letter, they agreed that he should have a patent for a particular plantation as large as that granted to Sir William Newce. On December 2, 1621, "he landed in Virginia wholly uppon his owne adventure" forty young cattle well and safely, and fifty men, besides some thirty other passengers. "According to their desire the Governor seated them at New Porte Newce, and he conceived great hope if this *Irish* plantation prospered that from Ireland great multitude of people wilbe like to come hither."

Captain Thomas Newce, Sir William Newce, and Mr. Daniel Gookin came to Virginia from Newce's Town, county Cork, Ireland; but they were natives of England; I suppose, though, that some of those brought over by them were Irish. The Newce brothers proposed bringing over great numbers and forming a settlement. They had located in the corporation of Elizabeth City, evidently at a place called by them "New Porte¹ Newce," where Gookin joined them, and kept up the plantation after they died. Gookin came in the *Flying Hart*, of which ship Cornelius Johnson, a Dutchman of Horne, in Holland, was master. This ship was probably the *Flying Horse*, of Flushing, which was in Virginia in 1615.

The Warwick (160 tons, with 100 persons, under Captain Guy, with the magazine of £2000, under Mr. Ed. Blany) arrived in Virginia December 20, 1621, bringing a letter from the Council in England, dated September 21, 1621, of instructions about various things; "an extraordinary choice lot of thirty-eight maids for wives;" additional supplies of people for Martin's Hundred (which had been

¹ I have always found this name the last name, however, is spelled spelled "New porte" in original documents; but in prints and copies it is sometimes given as "Newports;" "Newce," "Newse," "Nuce," etc. See *The Genesis of the United States*, p. 956.

reorganized), to be at first quartered there in Wolstenholmes Town, under the oversight of Mr. Richard Keane. They also sent Rev. Thomas White (his passage to be paid by his parish, and "as for bookes, we doubt not but you will be able to supply them out of the libraries of so many that have died"); Mr. Miles Pirkett (to make salt); "in case Mr Blaney dye, we desire Mr Pountis in particular to take care of his business." Signed by Edward Hawley, John Wolstenholme, Dr. Gulstone, Dr. Anthony, Dr. Winston, John Ferrar, Nicholas Ferrar, Robert Smith, Thomas Gibbs, and Thomas Sheaperd.

The above three celebrated doctors were now the special councilors with reference to the health of the colony.

The poet Drayton, in England, possibly sent his poem to his brother poet, George Sandys, in Virginia, about this time, which ends : —

"Yet I should like it well to be the first,
Whose numbers hence into Virginia flew,
So, noble Sandys for this time, adieu."

In October, Lieutenant Marmaduke Perkinson, Mr. John Pory, Ensign Savage, and others, made a voyage in the Great Bay, and then up the Potomac. During this voyage "they saw a China Boxe at one of the Kings houses;" and the Indians led them to believe that the South Sea was only about one hundred and fifty miles westward from the Falls of the Potomac; which agreed with the ideas of Mr. Henry Briggs, the famous mathematician. Pory read the account of Adam and Eve from the Bible to the Indian king; who was impressed with the story, and said he was like Adam in one thing, for he never had but one wife at once. They then returned to "the laughing king" on the eastern shore, who had taken a great fancy to Savage, and who remained ever after friendly to the English. He described the eastern shore to the English, telling them of the abundance of fish and fowl. They are said to have left, settled very happily, near a hundred English, with hope of a good trade for furs there to be had. From

thence was brought by Lieutenant Perkinson some of the earth called *terra lemnia* (there to be had in great abundance) as good as that of Turkey. Pory returned to Jamestown after the government had been rendered to Sir Francis Wyatt, and found that he had been succeeded as secretary by Davison, who thus fell heir to the secretary's land and tenants on the eastern shore.

The Concord, a barque of Barnstable belonging to Mr. Delbridge, reached Virginia late in December, bringing from the Bermudas letters from Governor Nathaniel Butler to Governor Wyatt and to ex-Governor Yeardley, with "two large cedar chests wherein were fitted all such kindes and sortes of the country plants and fruits, as their lland had as figgs, pomegranates, oranges, lemons, plantanes, sugar canes, potatoes, and cassada rootes, papawes, red-pepper, the pritle peare, and the like," — one chest for the governor and the other for the ex-governor.

The Tiger (of 40 tons, Captain Nicholas Elford, with 40 persons, including several maids for wives), which left England in consort with the Warwick, was driven by ill weather so far as the North Cape, fell into the hands of Turks on her way, who took most of her supplies, and all of her serviceable sails, tackling, anchors, etc.; but it pleased God to deliver her, by a strange accident, out of their power so as she escaped that danger, and arrived safely in Virginia, Copland, in his sermon, says, "with all her people, two English boys only excepted, for which the Turkes gave them two others, a French youth, and an Irish — Was not here the presence of God printed, as it were, in *Folio*, on Royall Crowne paper, and Capitall Letters?" She arrived in January, 1622, prior to the departure of the George.

Courts were now held at convenient places, and at regular times in the four corporations. It seems probable that the quarter session courts of the governor and Council were held (for a time at least) one in each of the four corporations for their convenience. Registers of the acts

of these quarter sessions were kept, and copies sent to England; only a few abstracts have been preserved, and I have found no adequate material for the early history of the courts under the company; but from 1626 the material is more ample.

The George, loaded chiefly with tobacco, left Virginia for England in January, 1622, with sundry letters to people in England (including one from Mr. Arundell to John Smith of Nibley, regarding the richness of the country round the river Chickahominy, etc.), and a general letter from the governor and Council to the company, telling them of the safe arrival of the Warwick; of the meeting of the General Assembly; asking them to continue sending silkworm seed, all sorts of vines, all sorts of English grain, wheat, barley, oats, etc.; peas of all kinds, there being a general want of seeds of all sorts, "the wheat *first* brought hither from *the French Colony* [by Argall in 1613] being of a small and bad kind;" advises that ships be sent in the autumn and by the northern course; "thanks for the magazine; well liked of here that you have left the price of Tobacco at liberty since that it is of such an uncertain value by reason of the great difference thereof;" has disposed of the maids; Mr. Harwood says, "the people of Martin's Hundred lovingly receive new comers;" "thanks for Rev. Mr. Thomas White," and asks for more clergymen; "men skillful in the art of fortifications much needed for locating the chief city of this Kingdom, if they shall find James City a place not fit or proper for that purpose;" Mr. Thorpe had been sent with messages and presents to certain Indian kings who had received him kindly, and "Apochankano gave him very good hope of their entertaining of some of our families to live amongst them, and of their sending to co-habit with us [this had been urged by the Council as a special means of converting them], and did confirm a former promise of sending one to be our guide beyond the Falles *to certain mines*;" Thorpe was favorably impressed with the Indian ideas of

religion; all the councilors sworn, save Mr. Leach (who failed to go to Virginia) and Mr. Paulett (there being two of the name in Virginia, it was not certain which one was named in the commission); the business of the lands and tenants belonging to the governor's, the treasurer's, and the physician's places; "the Secretary's tenants were the last year placed at Achamack," but this was thought to be too far from James City; "Sir George Yeardley hath already built a wind-mill and Mr. Treasurer Sandys is about the erecting of a water mill;" Mr. John Berkeley and the treasurer would make a special report about the iron-works; Mr. Maurice Berkeley and Miles Pirkett were erecting a salt-work; "a large contribution has been underwritten for the Inne at Jamestown, and carpenters, brickmakers and bricklayers are needed;" the treasurer would report of the proceeding of Captain Norton and the Italians about the glass-works; such of the Council "as had read the Treatise [by Ruggles] commended to them were very much distasted for the bitternes of the language;" "shall give their best endeavors in chusing for the Earl of Pembroke and his associates the most comodious seat that may be;" "the arrival of a ship from Mr. Gookin out of Ireland;" shipwrights needed; "send herein a project of Capt Newce's which had been approved by the General Assembly," etc.

In February, Mr. Pory and others traveled southward to the river Chawanock (the Chowan, N. C.), some sixty miles by land, "passing through great forests of pines, very fit for masts, and for pitch and tar, and came into a most fruitful country, blessed with abundance of corn, reaped twice a year, where also they understood of a copper mine within ten days march towards the setting of the sun, and met with the silk-grass there growing, of which kinds and cotton wool, all the Cambaya and Bengala stuffs, are made in the East Indies."

The Seaflower (140 tons, with 120 persons, including Captain Ralph Hamor, Rev. William Bennet, some of Mr.

George Harrison's servants, etc.) arrived in February. The company had formerly bestowed 32 shares of land in Virginia upon Captain Christopher Newport in reward of his service; the Virginia court of July 20, 1621, gave his widow three shares for having previously sent six men to Virginia at her own charge, and ordered Sir Francis Wyatt and the Council to set out the land, and Captain Hamor was now to see this done according to Mrs. Newport's desire.

Having set out the various West India fruits and plants received by the Concord, the governor now sent a barque to the Bermudas laden with aqua vitæ, sack, oil, and bricks; in exchange whereof she desired plants and herbs of all sorts, potatoes, ducks, turkeys, and limestone. Letters were also sent to Governor Butler, thanking him for the former supplies and asking for an enlarged quantity in the like kinds.

In March, 1621, there were 843 English in Virginia, of whom about 750 were acclimated. Between that date and March, 1622, seventeen ships arrived in Virginia, which left England with 1580 persons. In March, 1622, there were by the census 1240 English living in Virginia. Of 2423 people (about 750 acclimated and 1673 newcomers) 1183 had died *en route* and in Virginia, showing that the death rate among the newcomers had been almost as great in the summer of 1621 as in that of 1620, probably equally as great, because of the 1240 living, about 400 had recently arrived and had not yet gone through the seasoning.

The Marmaduke and the Warwick left Virginia some time in February; the Concord about the middle of March, with letters from Governor Wyatt, ex-Governor Yeardley, Mr. Treasurer Sandys,¹ Mr. John Berkeley, the French vigneron, and others, all giving the most glowing accounts of the progress of affairs in Virginia. "There was no longer any danger after their landing, either through wars,

¹ Sandys is said to have written a *morphoses* at Jamestown during the part of his translation of Ovid's *Metamorphoses* in the winter of 1621-1622.

or famine, or want of convenient lodging and looking to, through which many miscarried *heretofore*, for blessed be God, there was a *happy league of peace soundly concluded and faithfully kept, between the English and the Natives*; and the people being all free-hearted and open-handed to all public good works had contributed between £1500 and £2000 for erecting a faire Inne in James City for receiving and harbouring new comers. The company were assured that the Iron, Glass, and Salt-works would be brought to perfection within the year; that sufficient grain of all sorts would be raised, ‘both for ourselves and for truck with the Natives;’ restraint of the quantity of Tobacco, and amendment of it in the quality, learned by time and experience; the recently planted West Indian fruits and plants, at the time of their said letters, began to prosper very well; as also their Indico-seeds, for the true care whereof there is lately caused a Treatise to be written. Mr John Berkley and Mr George Sandys state that the ‘Falling creek was so fitting for the purpose of the Iron-works, as if Nature had applied herself to the wish and direction of the workmen.’ The French vine-men write that no country in the world was more proper for Vines, Silke, Rice, Olives, and other Fruits than Virginia is — ‘some of the cuttings of vines planted at Michaelmas would bear grapes this Spring,’” etc.

In 1621, “the King of the Eastern shore Indians had told the English that at the ceremony on the taking up of Powhatan’s bones many great numbers of Indians were assembled at which time Opochankano had made a general plot to set upon every plantation of the colony.¹ Whereupon Sir George Yeardley, then governor, went in person to every plantation, took a muster of all men, arms, etc., and commanded that strict watch and ward should be kept everywhere. But Opochankano earnestly denying the plot and the English finding no proof of it, gradually came to

¹ This assemblage probably contained Indians from a distance, as well as those of Virginia.

a feeling of security." However, in the latter part of Yeardeley's government, Nenemachanew, with other Indians, killed several of the English, and was finally killed by the English. Opechancanough, it seems, pretended not to be satisfied that the Indians had killed the English, and wished to have their bodies examined "that it might appear that Nenemachanew had no hand in their deaths." The accounts of these incidents are not clear, but it seems the incidental parleying continued until after Wyatt's term began, when, about the middle of March, he sent a messenger to Opechancanough, who returned him with the answer "that he held the peace concluded so firm as the sky should sooner fall than it dissolve;" and this set the minds of the English at ease. The words of the peace had been stamped in brass, and, at Opechancanough's request, fixed on one of his noted oaks. Master George Thorpe, who had taken so much interest in all the Indians, was taking especial pains with this king, "who had formerly dwelt in a hut made with poles and covered with mats after their wild manner," to civilize him. "Thorpe first, built him a fair house, in which he took much joy, especially in his lock and key. Having thus, as he thought, gained his good graces, Thorpe then tried to convert him to the knowledge of God and our religion — so as he gave him fair hearing and good answer. And both he and his people, for the daily courtesies of this good gentleman, did promise such outward love and respect unto him, as nothing could seem more."

The Indians kept up this dissimulation to the last; "some of them were even sitting down at breakfast with our people at their tables; when at eight of the clock on that fatal Friday morning ^{March 22}_{April 1} 1622, (save where the English had been notified the night before) for 140 miles up and down the river on both sides, they fell upon the English and basely and barbarously murdered them, not sparing age or sex, man, woman or child — being at their several works, in their houses, and in their fields, planting corn and tobacco, gardening, making brick, building, sawing and other

kinds of husbandry ; so sudden in their cruel execution, that few or none discerned the weapon or blow that brought them to destruction.”¹

The exact number killed may not be certainly known. Soon after the Seaflower reached England the company published a list of 347 ; but it was almost necessary to make the list as small as possible at that time. Six of the Council were killed, but the list contains only the names of Mr. George Thorpe, Captain Nathaniel Powell, Mr. John Berkeley, and Mr. Samuel Maycock. The other two must have been Mr. John Rolfe² and Mr. Michael Lapworth, as they certainly died about this time, and the rest of the Council can be accounted for. Richard Frethorne stated that 118 were killed at Martin’s Hundred ; but the list gives only 78. The company afterwards placed the number at “about 400,” and Edward Hill at “400 and odd.” It was a most severe blow to the colony in almost every way, but chiefly owing to the fact that so many of those killed were old planters, who had become acclimated, and thus were the mainstay of the colony. “These had already selected their dividends [located their claims] about in chosen rich spots, and thought now to reap the benefit of their long travels, under their own vine and fig tree.”

The corporation of Henrico and that part of Charles City above the Appomattox was literally wiped out for the time ; that is, in Dale’s chosen “place of resistance,” from which he drove the Indians nearly ten years before, the people were killed or driven away, and their houses burnt. At Falling Creek everything possible was destroyed and the tools of the iron-works thrown into the river. The settlers of the old Bermuda City and Hundred, the first free farmers, were nearly all killed. The settlements below, down to Upper

¹ I have no evidence that the Spaniards had anything to do with this massacre ; but it seems to have been planned by a master mind, and evidently a vast number were engaged in it.

² He was a citizen of Bermuda Hundred, and the names of those killed there are not in the incomplete printed list.

Chippoak Creek, suffered almost as severely. Among those killed at Captain Samuel Maycock's dividend near Flowerdieu Hundred was Edward Lister, who came over in the Mayflower, and was one of the signers of the "Compact." Comparatively few were killed in the corporation of James City. Chanco, an Indian converted to Christianity, and belonging to Captain William Perry, but then living with Mr. Richard Pace, at Pace's Paines, rose out of his bed at night and revealed it to Pace, "who had used him as a son." Upon this discovery, after securing his house, Pace rowed over the river, before day, to James City, and gave notice thereof to the governor, who had the news spread to such other plantations as was possible for a timely intelligence to be given ; and but few, if any, were killed within a circuit of about five miles from Jamestown. But at Martin's Hundred, about seven miles away in the lower end of the present county near Keith's Creek, and over the river from Mulberry Island, at the plantations of Mr. Thomas Pierce and Mr. Edward Bennet (Isle of Wight), many were killed. But few were killed lower down the river, or on the eastern shore, which was attributed to the action of "the Laughing King, who could not be induced to join in (and so by consequence kept the remote coast Indians out of) the general combination against the English, which otherwise might have been the complete ruin of the colony." Save for this, and the revelation of Chanco, it was afterwards thought "that the slaughter would have been universal."

"That God had put it into the heart of this converted Indian to reveal the conspiracy, by which meanes Jamestown and many Colonists were preserved from their trecheries, was regarded as the most exquisite incident in the life of the Colony." "For though three hundred and more of ours died by many of these Pagan Infidels, yet thousands of ours were saved by the meanes of one of them alone which was made a Christian ; Blessed be God forever, whose mercy endureth forever ; Blessed be God whose mercy is above his Justice, and farre above all his workes :

Who wrought *his* deliverance whereby *their* Soules escaped even as a Bird out of the Snare of the Fowler.”¹

It was said in Virginia, “The dayly feare that possest them, that in time we by our growing continually upon them, would dispossess them of this Country, as they had been formerly of the West Indies by the Spaniards, produced this bloody Act.”

They not only killed the people, but, after the usual Indian manner, mutilated them, burnt their houses, drove off their stock, and took what they could not destroy, including some pieces and ammunition. It was reported “that their King caused the most of the gun-powder by him surprised, to be sown, to draw therefrom the like increase, as of his maize in Harvest next.”²

Towards evening Sir George Yeardley went in his ship up the river to Flowerdieu Hundred, trying to save such people “as might have lyen wounded” at the different plantations.

At the time of the massacre there were three or four English ships in James River, and one (the Elizabeth) in the next river (the Pamunkey). And three more came in within twenty-four days after, namely, the Hopewell (sixty tons, Thomas Smith, master, with twenty persons), the Bona Nova (200 tons, John Huddleston, master, with fifty persons), and the Discovery (sixty tons, Thomas Jones, captain,

¹ This was published by Waterhouse in August, 1622. In the following October, in the second edition of his *New England Trials*, Captain John Smith, in his usual incorrect summary of what he had done in Virginia, inserted: “Yet God made Pocahontas the King’s daughter the meanes to deliver me: and thereby taught me to know their trecheries to preserve the rest.” This is the first reference to the much discussed Pocahontas incident in any of Smith’s publications. In his *General History* of 1624, he inserted “an abstract” of “a little

booke” to Queen Anne (which is another incorrect summary of his services in Virginia) which he says he writ in 1616. This also contains a reference to the incident; but the writing of this letter at that time has also been questioned. I cannot see that these personal questions are of any great consequence to any one save Smith. We should not allow them longer to obscure matters of real historic importance.

² Smith also makes use of this idea in his account of the Pocahontas incident in his history.

with twenty persons). All three of these ships were commissioned to go from Virginia on a trading voyage to the Delaware and Hudson rivers, and on a fishing voyage to New England. Both of the last ships brought letters from the Council in England. The *Discovery* belonged to the adventurers of Southampton Hundred, who were sending her on a special fur-trading voyage to Hudson River. A delay in obtaining silkworm seed had caused her to stay in England much longer than had been intended. She did not leave until December; but the governor was urged to hasten her departure from Virginia. And by the *Bona Nova*, which left England ten days later, the Council wrote: "We hear two Dutchmen double manned are gone to trade for furs in the selfsame places. Make haste and dispatch Captain Thomas Jones that he may be before them and furnish him as we before desired with the brass pieces sent in the *Charles*," etc. The letters tell what they were doing in England, and what they wished done in Virginia. They sent various sorts of seed and fruit trees, also pigeons, conies, peacocks, mastiffs, beehives, silkworm seed, etc. But when they arrived in Virginia all was confusion, out of which the governor and Council were then trying to bring order. It was determined to hold James City, Paspasheigh, the various plantations over the river opposite James City, Kecoughtan, New Port Newce, Southampton Hundred, Flowerdieu Hundred, Sherley Hundred, and the plantation of Mr. Samuel Jourdan. All others were to be abandoned, and the remaining cattle, as far as possible, to be gathered together on Jamestown Island as the most secure place for them. The cattle from Berkeley Hundred were carried by Mr. Kemish, the overseer, to Jordan's Journey. Of the thirty-eight emigrants sent in the *Margaret*, to Berkeley, only five were surviving in Virginia; of the forty-nine sent in the *Supply* twenty-four were living.

The dispersed planters were gathered to the reserved centres as rapidly as possible. The commission for removing the people from Henrico and Coxendale was issued

April $\frac{20}{30}$. These places being impaled and protected by the river, the inhabitants had been able to defend themselves bravely against the savage hordes, and thus at each place some were preserved from the general slaughter. Order having been restored in some degree, the Seaflower was dispatched to England, about May 22, with letters from the governor and Council, Mr. George Sandys, Mr. George Harrison, and others, telling of the great massacre. Mr. Daniel Gookin and others went over at the same time to give in person the unwelcome news. How, "whilst all their affairs were full of success, and such intercourse of familiarity, as if the Indians and themselves had been of one Nation, those treacherous Natives, after five years peace, by a general combination in one day plotted to subvert their whole colony, and at one instant of time, though our severall plantations were an hundred and forty miles up one river on both sides."

The governor and Council, in their letter, tell what they had done, what they proposed to do, and what they wished the company to do for them. They think of concentrating at some place more easily fortified than Jamestown; they want an engineer, arms, and provisions. "All which being speedily done. The plantation will suddenly be in a far more safer, happy, and flourishing estate than ever it was before."

Extremes meet. There are two great incentives to advancement,—the reward brought by success, and the determination aroused by disaster. And, sustained by the motives which inspired them, it was *the John Bull* in our founders which carried the movement forward from the first, in spite of every calamity, and despite of all opposition.

The Discovery and the Bona Nova were sent out on their trading and fishing voyages as soon as possible. In May or June, Captain John Huddleston, on the last-named ship, sent his boat ashore with a letter to his good friends at Plymouth, New England, telling them of such a blow in

South Virginia, "that 400 persons large will not make good our losses," and warning them to be on their guard. The colony there was then pinched by famine, and Captain Huddleston gave them such assistance as he could, "or some had starved." John Pory left Virginia on the *Discovery*, which ship was also on the New England coast in the following summer and fall.

The barque sent to the Bermudas in March returned to Virginia in June, deeply laden with the native commodities of the islands; with limestone, 20,000 pounds of potatoes, ducks, turkeys, conies, cassada roots, etc., "all which being a great relief to the plantation." The massacre, the subsequent changes, the preparations for a war with the Indians, all tending to an abandonment or neglect of crops, had caused a slender harvest, especially as these things had happened during the planting season.

The *Elizabeth*, under Captain Spelman (with Captain Raleigh Crashaw and others), was trading with the Indians first in the Pamunkey and after in the Potomac. Accounts differ as to which river the barque was in at the time of the massacre, but none were killed, and in June the barque was in the Potomac, where Captain Hamor, with a ship and pin-nace, joined them. While in this river, on June 27, Hamor made an agreement with the king of Potomac against Opechancanough, "their and our enemy." "He also slew divers of the Necochincos [Anacostines?] that sought to circumvent him by treacherie."

When the English were ready to make the general attack on the Indians, Sir George Yeardley was given the chief command.

"Bould worthy Sir George Yardly commander cheife was made
Cause fourteene yeares, and more he hath within this Country staid.
Against the King Opukingunow against this savage foe
Did he with many an English heart for just revenge thus goe."

Mr. Treasurer George Sandys fell upon the "Tappahatonaks," opposite Jamestown, in several expeditions. Sir George Yeardley fell upon the Wyanokes; Captain William

Powell upon the Chickahominies, and Captain John West upon the Tanx-Powhatans. All of these expeditions were up James River. Powell, it seems, also went against the "Apummactokes." Everywhere the Indians fled at the approach of the English, who killed only a few of them, but burnt their towns, destroyed their weirs, etc., and took their corn. Edward Waters and his wife, who had been made prisoners by the Nansemonds, escaped to Kecoughtan. It was learned that Opechancanough had twenty other English still prisoners on the Pamunkey, and "Captain Madison was sent unto him about them; but he returned an insolent answer to the governor's message, and did some dishonor to the king's [James I.] picture."

It was resolved by the governor and Council, at the end of August, to make war upon Opechancanough with 500 men, "hoping by God's help, this winter to clear the country of him, and so settle the colony in a far better estate than it was before; and thus the massacre will result in the speedy advancement of the colony, and much to the benefit of all those who shall hereafter come thither."

June 30, "a commission was given to Sir George Yeardley to go and search for a convenient settlement at the Eastern shore, because of the unfitness of this river to secure against foreign and domestic enemies." They also wished to find a more healthy locality. The sickly season was now coming on, and men were dying daily. The ministers said this was brought on them by their sins. The governor issued proclamations, to make them better, against drunkenness, swearing, stealing, and "engrossing of commodities."

The Bona Venture, of 50 tons, with 10 persons, and the Gift of God, with 100 persons, left England in April, and arrived in Virginia probably in July, 1622. But I have found no evidence that the following three ships, which left England in the spring of 1622, ever reached Virginia: the Godspeed, 150 tons, with 100 persons; the Prime Rose, 80 tons, with 60 persons; and the White Lion, 180 tons, with 40 persons and 40 cattle; and their

fate is unknown to me ; but it probably lies concealed, with other tragedies of American colonization, within the bosom of the Atlantic.

Thomas Weston's ship, the *Charity*, of 80 tons, Reynolds, master, left England in April, with 30 persons, for Virginia ; reached New England probably in June, and Virginia in July or August ; landed her passengers, and then returned to New England. The *Sparrow*, another of Weston's ships, came to Virginia about the same time, where, it is said, " both she and her fish were sold." The trade between the colonies of Virginia, New England, and the Bermudas was thenceforward of growing consequence.

The *Furtherance*, of 180 tons, Mr. Sampson, master, with 80 persons, which left England in June, 1622, before the news of the massacre arrived, and reached Virginia in the fall of 1622, bringing a general letter from the Council in England ; " Capt Thomas Barwick with 25 shipwrights for buildings, boats, pinnaces etc, to which enterprise at least 1200 acres of land was to be allotted ; Leonard Hudson, a carpenter, and five apprentices for erecting the East India Free School, of which the Colony was allowed to select the schoolmaster or usher ; Rev. Wm Leate was sent as a minister. . . . It was Rev. Mr. Robert Paulett whom the Court chose to be of the Council in Virginia. The Adventurers of Martin Hundred desire that Mr Harwood might be spared from that office, their business requiring his presence continually."

Sir George Yeardley returned from his plantation on the eastern shore in August. In September the Indians killed four men in Elizabeth City, and carried off some of Mr. Edward Hill's cattle. Some of the Anacostan Indians revealed to Captain Madison the intended treachery of the Potomacs ; wherefore he made an attack on them, killing some, and taking others prisoners he carried them to Jamestown. The slender harvest had constrained the English to attempt trading with the more remote savages, and Hamor was a second time employed to the Potomacs ; but

they "likewise proved our most treacherous enemies, cunningly circumventing and cruelly murdering such as were employed abroad to get relief from them." And Hamor slew more of them.

In the fall an expedition was sent out under the command of Sir George Yeardley against the savages down the river. He drove out the Nansemonds and Warraskoyacks, burnt their houses, and took their corn. Reëmbarking he went over to Kecoughtan, and then up the Pamunkey, landing at Chescheack, then going on to the chief seat of Sassapen and Opechancanough, where they served those Indians as they had the Nansemonds, and returned with the corn to Jamestown. The English wearing heavy armor, and the Indians being fleet of foot, but few were killed. However, the armor protected the English from the Indian arrows.

The neighboring Indians being now apparently driven away, some of the English were disposed to return to their former plantations; but the sickness was still prevailing. George Sandys said that "a party going to seat at one of the deserted townes of the King of Apomatuckes, were so deminished by death and weakened by sickness before they could get thither that they were fain to give it over."

Captain Nathaniel Butler, late governor of the Bermudas, arrived in Virginia on Mr. Bennett's barque about November 20, 1622. His term as governor had expired, and according to some accounts he left the island in a legal way; others say otherwise. There had been differences between him and the company, and it was stated that he and others in the island had determined to petition the king and Privy Council "for *altering the government* of the Company as being anti-monarchical and for the reducing it into the hands of a few principal persons," and that in going to Virginia he had the same object in view.

His cedar chests of fruits and plants had not been forgotten, and "at James Town he was kindly entertained by Sir Francis Wyatt the governor," whose first year came to an end a few days after his arrival.

VII

ENGLAND, JUNE 1, 1622 — APRIL, 1623

HENRY, EARL OF SOUTHAMPTON, TREASURER; MR. NICHOLAS
FERRAR, DEPUTY-TREASURER

AT the Easter court, June 1, 1622, “after other things had been ordered, as the court were proceeding after their accustomed manner to the election of officers for this present year, according to the direction of his Majesty’s letters-patent, Mr Alderman Hamersly rose up and said that himself and Mr. Bell were both commanded by Mr. Secretary Calvert to deliver a message in his Majesty’s name to this court — namely, to signify that although it was not his Majesty’s desire to *infringe their liberty of free election*, yet it would be pleasing unto him if they made choice for Treasurer and Deputy of one each from the following list. For Treasurer — Sir John Wolstenholme, Mr William Russell, Mr. Cletherow, Mr. Morrice Abbot, Mr Hansford. For Deputy — Mr Leate, Mr Robert Oftly, Mr. Bateman, Mr. Stiles, Mr Abdy.”

“Which messages being a full remonstrance of his Majesty’s well-wishing unto the plantation, *and of his gracious meaning not to infringe the priviledge of the Company and the liberty of their free election* [?], *was received with great joy and contentment* [?] *of the whole court* — and thereupon proceeding to the election of their Treasurer.” Mr. Cletheroe and Mr. Hansford were selected to stand for it from the king’s list, and the Earl of Southampton was named by the company. The election being by ballot, Southampton received 117 balls (and was elected), Mr. Cletheroe 13, and Mr. Hansford 7.

For deputy, Mr. Leat and Mr. Bateman were selected from

the king's list, and Mr. Nicholas Ferrar was named by the company. Mr. Ferrar received 103 balls (and was elected), Mr. Bateman 10, and Mr. Leat 8.

Mr. Edward Bennett was chosen an auditor in the place of Mr. Cranmer, who had removed from London. The other old officials were reëlected.

The lord bishop of London,¹ Mr. Bing, Mr. Jermyn, and Mr. Bernard were added to his Majesty's Council for the company. Rev. Doctor John Donne (or Dunn), dean of St. Pauls, (Rev.?) Doctor Sunnibanck, (Rev.?) Mr. Leech, Rev. Samuel Purchas (chaplain to the Archbishop of Canterbury), Mr. Dampart (probably Rev. John Davenport), Mr. William Clarke, Mr. Thomas Barwick, and Mr. John Whitson, alderman of Bristol, were admitted into the company. Elias Roberts passed one share to his son Elias. Mr. John Ferrar, the retiring deputy, was rewarded for his three years' service in that office by having twenty shares of old adventure given him.

“The Lords Cavendish, Padgett, and Houghton were requested by the Court to present their most humble thanks to his Majesty for his gracious remembrance and good wishes to their affairs, out of which he was pleased to recommend certain persons for Treasurer and Deputy, if they so thought fit, *but without any infringement of their liberty of free election*, and they were further requested to testify unto his Majesty the great reverence [?] wherewith his message was received and how in conformity thereunto, although they had formerly, according to their custom in their preparative court, nominated the Earl of Southampton for Treasurer, yet out of the persons recommended by his Majesty they had chose four, who had most voices, and put them in election with two nominated by the Company, upon whom the places were conferred with the unanimous consent of the Company, having found the plantation to

¹ Rev. George Mountaine. The bishop of London, the Rev. John King had also been of this Council until his church affairs in Virginia being under the especial supervision of the lord death in 1621.

prosper every one of these three last years, more than in ten before, and found more to have been done with ten-thousand pounds than formerly with four-score thousand, and they conceive that in regard the staple commodities of iron, silk, wine, salt, etc., are now in establishing and perfecting, as also that the government of that country is to be confirmed, that sufficiency for direction would not so much advance the plantation, as the variableness of instructions, proceeding from different conceptions, would prejudice the business."

On June 8, Lord Cavendish was chosen governor of the Somers Islands Company, and Captain John Bernard commissioned to succeed Captain Nathaniel Butler as governor of the islands. Butler was of the Smythe party, while Cavendish and Bernard were of the Sandys party, which party was now in control of the courts of both companies, and was determined to remove "the former governors sent in the time of Sir Thomas Smith's government either to Virginia or the Bermudas, altho' according to the vogue of State they were supported by some Lords and other members of the Company, by Sir Thomas Smith and his friends, with the Spanniolized faction of the Privy Council and the King's Bed-chamber." Yeardley soon came to an accord with the Sandys party, but Butler remained in opposition.

When the committee presented the message from the Virginia court of June 1 to James I., "the King flung himself away in a furious passion," but Prince Charles acted as a peacemaker. On June 15, Lord Cavendish acquainted the court with his Majesty's answer unto their message; "but his Majesty seemeth not well satisfied that out of so large a number by him recommended they had not made any choice, his Majesty conceiving that merchants were fittest for the government of that plantation, in respect of their skill and abilities in raising of staple commodities, and instancing Sir Thomas Smith, in whose time many staple commodities were set up, which were now laid down and only tobacco followed. To which his Lordship made answer

that in this point, as likewise in many other particulars touching the Company and their proceedings, his Majesty had been much misinformed. The following of tobacco only, and the neglecting of staple commodities have been the fruits of Sir Thomas Smith's and Alderman Johnson's time; but on the contrary, it hath been laboured ever since with all industry, care and diligence to erect iron-mills, plant vineyards, nourish silk and other like, of some whereof they hoped shortly to give his Majesty very good proof, and that since the time of Sir Thomas Smith the colony had grown to almost as many thousand people as he had left hundreds; good increase had been also of the cattle, and that with ten thousand pounds' expence there had been more performed for the advancement of the plantation than by Sir Thomas Smith with four-score thousand."

It is necessary, in order to give a complete idea of the case, for me to quote at length from these court records, and other evidences of like character; but the reader will find a fairly correct and more impartial statement of the actual condition of affairs in Virginia at the different times in the Virginia chapters.

The Furtherance sailed for Virginia on June 20, 1622.

In April, 1622, the Privy Council had ordered the treasurer and Council for Virginia to send them a reply to Bargrave's petition, etc., regarding a change in their form of government. On June 8, the company officials obtained from Bargrave a statement to the effect that "he had reference to the form used by Sir Thomas Smyth, that things were now going on better," etc., and the next day they enclosed this statement with their reply to the Privy Council. On the other hand, Bargrave himself sent to the Privy Council an explanation which places a different color on his statement. He tells the lords "that being pressed by the Council for Virginia to answer the last part of his Articles, he was willing to avow this present government to be in good hands; but to justify the form for ye progression of ye Plantation he would not do it although he was much

urged thereunto." After presenting again this matter of state he goes on to petition to have the case between himself and the old officials of the Virginia Company heard by referees. The Privy Council granted his request on June 26, and appointed Viscount Grandison, Lord Brook, Sir Julius Cæsar, and Sir Edward Conway as referees. But on the next day James I. wrote to his Council that the case had been heard by the lord keeper and decided by him with as much favor on the behalf of Bargrave as in equity and conscience the cause would bear, and "seeing this incessant importunity of the plaintife seems to have no other end than to blemish the reputation of Sir Thomas Smyth which hitherto we acknowledge he hath ever held with us to be an honest discrete and well deserving man both to us and ye Commonwealth. Our pleasure is, that unless you find other reason to the contrary not known to us, you entertain the complaint no longer at the Table, but to dismiss it as a matter allready fully determined." Mr. Thomas Melling was an acknowledged partner of Bargrave; but others of much influence were evidently interested in the matter. In politics Bargrave was of the royal party, but in his suit he joined hands with the Sandys party against Sir Thomas Smythe in his own personal interest.

At the Virginia court, June 29, James Wortham passed one share to a person whose name is now illegible, and Francis Carter passed three shares, — one to Thomas Wainwright and two to Robert Smith. Sir Nicholas Lower, whose brothers had been large adventurers long ago, was now resolved to adventure himself. "Mr John Cuffe was the Companies Cashier." This court was almost entirely occupied in answering the petitions or complaints of Captain John Martin, Captain Robert Hazenell, Captain Matthew Somers, Adam Dixon, William Kempe, and others. In the replies the court was disposed to shift these claimants on "Sir George Yeardley," who they state "was chosen Governor of Virginia in the time of Sir Thomas Smith and by his consent." The present managers in England evidently did

not feel that the enterprise was entirely under their control until Yeardley and Pory were succeeded by officers chosen by themselves. Still, after all, "man proposes but God disposes." Within less than two weeks after the meeting of this court the *Seaflower* returned from Virginia with the unwelcome news of the great massacre of the English by the Indians. It was kept as quiet as possible, and the exact date of the arrival of the ship is unknown to me; but she left Virginia after May 22, and reached England prior to July 13, on which day the Trinity quarter court met, and "Sir Edward Sackville was entreated to acquaint the Lords of his Majesty's Privy Council with the massacre of the English Colony in Virginia by the Indians there, and with the present necessity of arms and people to make a reparation," etc. Aside from this, the court went through the regular routine as if nothing had happened.

This court (July 13) gave order that a receipt should be sealed for £47 16s, which the gentlemen and mariners had given to the East India Company to be employed in laying the foundation of a church in Virginia. Captain Martin Pring (of the *Royal James*) was made a freeman of the company, and two shares of land were given him. The same was done by Mr. Thomas Kerridge, the commander of the East India ship that last came home. Mr. Robert Careles, who had lived twenty years in the West Indies and sixteen years in the East Indies, was admitted, and one share given him. Rev. Mr. Patrick Copland was chosen to be rector of the intended college in Virginia, and Sir Edwin Sandys, Sir John Danvers, Mr. Gibbs, Mr. John Ferrar, Mr. R. Smith, Mr. Wrote, and Mr. Barber were appointed the committee for the college for this present year. Mrs. Mary Tue, daughter of Hugh Crouch, heir and executor of Lieutenant Richard Crouch, assigned 150 acres to Mr. Daniel Gookin (who had returned in the *Seaflower*), and 100 acres to Samuel Jordan, then in Virginia. Rev. Mr. Pemberton (who intended to go to Virginia) and Rev. Mr. Lawne, or Launce (who always remembered Virginia in his prayers),

and Rev. Mr. Samuel Seaward, of Oxford, bachelor of divinity, were admitted into the company without charge, and the court agreed "to recommend Rev. Mr. Hopkins unto the governor of Virginia, upon the good comendation that Mr. Edward Allen hath given of him being desirous to go over at his own charge." Having thus strengthened themselves with the church, the court now strengthened themselves with the state by adding to his Majesty's Council for the company the Lord Marquis Hamilton, Sir Edward Conway, of the Privy Council, Sir Henry Mildmay, master of the jewel-house, Sir Thomas Coventry, attorney-general, Sir Edward Barkham, lord mayor of London, Mr. Heneage Finch, recorder of London, and Dr. John Dunn, dean of Paul's. Sundry patents to adventurers (one of whom was Edward Palmer of the Middle Temple) and planters were confirmed. It was noted that the adventures of "M^r Robert Stout £50; John Stout £25, and Mr John Jolles £25, had been omitted in the printed book." Mr. Swaine (or Swann), master of the Hart, and Mr. Browne, master of the Robucke (recently returned from the East Indies), were admitted into the Virginia Company, and one share given each; Francis Carter passed sixteen shares to Edward Palmer of the Middle Temple, and one share to Mr. Edward Butler. "40 shares had been previously assigned by the Lady De La Warr to Francis Carter." This will account in part for Carter's transfers. "Thomas Read passed over (under his hand and seal) one hundred acres of land in Virginia, scituate in Coxendale, over against the Island of Henricus, some part thereof being called by the name of Mount My Lady, unto Edward Hurd, of London, citizen and iron monger, which one hundred acres were granted unto him by Sir George Yeardley, then Governor of Virginia, and under the Colony's seal, in regard of his eight years' good service in that Country."

"On July 15 it was agreed by the New England company that M^r Gookyn shall be admitted in ye new Grants upon payment of his Adventure." I suppose that the

massacre in Virginia may have turned him toward New England.

In the spring of 1622, Lord Treasurer Cranfield proposed to Sir Edwin Sandys that the government should contract directly with the Virginia and Somers Islands companies for the sole importation of tobacco, in preference to the collectors of the customs, Abraham and John Jacob, who then held the contract. "It is a misfortune (saies he) not to be avoided, that whilst the Plantations in their present infancy have their whole subsistence by the trade of tobacco, the King's necessities should cast him upon all and any ways for advancement of his revenue . . . and when the Virginia and Summer Islands Company offer to plead their freedom [from duty] in the case, the Lawyers say, it is a poisonous drug which the King might justifie to banish or burn, and not to be accounted as a staple or national commodity, in which case it was in the King's power to do his pleasure in any sort concerning the same. But to comply for the advantage of the plantations the companies might, and should if they pleased, have the sole importation to them and in their managing for £20,000 per annum." After consultation with Sir Arthur Ingram, and further debate with the lord treasurer, Sir Edwin Sandys submitted the question to the Virginia court of June 15, 1622. Committees were then appointed by both companies to treat and consider the matter of this contract. These committees reported to an extraordinary court, held for that purpose, on July 9, and the matter was fully discussed. It was again considered at the preparative court of July 11, and the "Propositions were finally agreed on by the Treasurer and Company for Virginia in a Great and General Quarter Court, held on Wednesday, the 13th of July, 1622, touching a contract to be made with his Majesty for the sole importation of tobacco, which propositions they desire may be ratified by the Right Honourable, the Lord High Treasurer of England." The contract was to begin at Michaelmas, 1622, and continue for the space of

seven years then next ensuing. The Somers Islands court of July 20 suggested some alterations, and the Virginia court of July 27 appointed a committee to meet and advise about the drawing up of the patent touching the said contract with his Majesty; to attend the attorney-general about the same, as representatives of the companies.

At the Virginia court of July 27, "Capt Thomas Jones of the Discovery now employed in Virginia was admitted and made a freeman of the Company." Francis Carter passed one share to John Hitch; Richard Ball (or Bull) passed one share to Ralph Bateman, and one to John Budge; and William Fleet passed three shares to his daughter, Katherine Fleet. Mr. William Phetiplace had paid Sir Thomas Smith £10 on September 19, 1607, which was short of a full share; but as he was an ancient adventurer, a full share of 100 acres of land in Virginia was allowed to him by this court.

When the news of the massacre reached England, the company was busy with large preparations for the coming year, and it was at first a most severe shock; but it soon aroused the determination of the company and excited the sympathy of the friends of the colony to such an extent that all things were carried forward promptly and very vigorously.

"Sir Edward Sackville, after delivering the message to the Privy Council *in re* the massacre, entreated their lordships' mediation to his Majesty in their said suit, which they were pleased to perform. His Majesty was graciously pleased to promise them assistance, and demanded what the Company desired. It was answered, munition and people, whereby they might be enabled to take a just revenge of these treacherous Indians, and to recover what they had now lost, as also to secure themselves against the like, or any foreign enemy that should offer to assault them; whereupon it pleased his Majesty to promise them such arms out of the Tower as was desired." The officers of the Tower then reported what arms they had on hand. On July 27,

Sir Edward Sackville made his report to the Company. They soon after made a note of such of these arms as they wanted, which was presented to the Privy Council on August 8, 1622, who at once issued their order to "the Lord High Treasurer of England who calling unto him some of the officers of the ordnance shall advise what sorts and proportion of the said arms are fit to be delivered for the use afore said and thereupon give order for delivering the same accordingly." This order was issued on the same day to Sir John Cope, the king's master of the armory, "to deliver 100 brigantines, 40 plate coats, 400 shirts and coats of mail, 2,000 skulls of iron, 1,000 halberds, and brown bills; and 50 murdering pieces. Besides pistols, daggers, etc." These things were then held to be "altogether unfit and of no use for modern service but very serviceable against that naked people." They also asked for the loan of twenty barrels of powder, which the king let them have to be repaid in January, 1623.

Exactly when the news first reached the public I do not know. On July 22, Mr. Thomas Locke wrote to Rev. Joseph Mead: "I had most forgotten [to tell you] that all our people, in all places should, on March 22 [O. S.] at eight in the morning, under pretence of friendship, have been murdered by the natives; and had been, had not an Indian boy the night before discovered it to his master, who, all night, sent about to give notice; yet, in Martin's hundred, too far off to have notice, almost all were slain, as namely, 329." And, on July 23, Chamberlain wrote to Carleton about it.

On July 29, "The Court of Common Council of London taking into consideration the great loss which Virginia had lately sustained by the barbarous cruelty of the savage people there (who if their design had not been discovered had endangered the utter ruin and subversion of the whole plantation) did with one heart and voice express their readiness to cherish and assist so noble and pious a work and did give £500 towards the furnishing, apparelling and

transporting of 100 persons from the age of 12 years and upwards." Sir Edward Barkham, lord mayor, Sir Thomas Bennett, etc. (the committee of December 28, 1619), were appointed, under the same conditions, committees for the better ordering, dispatch, and effecting of the said business. On August 2, Sir Edward Barkham, the lord mayor, issued his precept to the church-wardens, etc., for levying the £500. The parish of St. Christopher's paid £3 18s 6d of this sum.

The James, of 120 tons, was sent to Virginia by the company, and the Truelove, of 46 tons, by private adventurers, about August 12. These were the first ships sent after hearing of the massacre; they carried emigrants, supplies, letters, etc.

Before the news of the massacre, in making the preparations for the coming year, the company had published a broadside, called:—

(I.) "The Inconveniencies that have happened to some persons which have transported themselves from England to Virginia, without provisions necessary to sustain themselves, hath greatly hindred the Progress of that noble Plantation: For prevention of the like disorders hereafter, that no man suffer, either through ignorance or misinformation; it is thought requisite to publish this short declaration: wherein is contained a particular of such necessities, as either private families or single persons shall have cause to furnish themselves with, for their better support at their first landing in Virginia; whereby also greater numbers may receive in part, directions how to provide themselves." The list gives the necessary articles of "Apparell, Victuall, Armes, Tooles and Household Implements, and the cost of each, amounting to the sum of £12 10 shillings each person, which with the cost of passage £6 and the freight £1 10s makes a total of £20. If the number of people be greater, Nets, hookes, lines, and a tent, as also some Kine must be added." And this "is the usual proportion that the Virginia Company do bestow upon their Tenants which they send. Whosoever transports himself or any other at

his own charge unto Virginia, shall for each person so transported before Midsummer 1625, have to him and his heires forever fifty acres of land upon a first, and fifty acres upon a second division."

This published list contained the "necessaries" only. Mr. William Webb, the husband of the Company, advised those who were able to do so to carry over, also, some butter, cheese, beef-suet and beer. People of more ample means of course carried whatever they wanted for their use.

(II.) The hope for a ready way to the South Sea had been revived by Mr. Henry Briggs, the celebrated mathematician, in "*A Treatise of the Northwest Passage to the South Sea, through the continent of Virginia and by Fretum Hudson.*"

On August 31, there was entered for publication at Stationers' Hall: —

"*A Declaration of the State of the Colony and affaires in Virginia. With A Relation of the barbarous massacre in the time of peace and league, treacherously executed by the native infidels upon the English, the 22 of March last. Together with the names of those that were then massacred; that their lawfull heyres, by this notice given, may take order for the inheriting of their lands and estates in Virginia. And (II.) A Treatise annexed, written by that learned mathematician, Mr. Henry Briggs, of the Northwest passage to the South Sea through the continent of Virginia and by Fretum Hudson. Also a Commemoration of such worthy Benefactors as have contributed their Christian Charitie towards the advancement of the Colony. And a Note of the charges ['The Inconveniences' etc., the broadside (I.) abovesaid] of necessary provisions fit for every man that intends to go to Virginia. Published by Authoritie. Imprinted at London by G. Eld, for Robert Mylbourne and are to be sold at his shop, at the great South doore of Pauls, 1622.*"

The Declaration was collected, by Edward Waterhouse,

out of the letters sent to the Virginia Company by the governor and other gentlemen of quality there, and from "the relation of some of those that were beholders of that tragedie," who returned in "the Sea-Flower, the ship that brought us this unwelcome news." The book was soon issued. Rev. Joseph Mead wrote to Sir Martin Stuteville from Christ College, September 24, 1622, about it; and adds, "they took some of our ordnance, and some barrels of gunpowder, which *Opocohontas* [*sic*], the King, caused to be sown, expecting a large crop of gunpowder in the summer, thinking it would have grown."

The object of the work was to correct erroneous ideas and to encourage the enterprise. "No generous Spirit will forbear to go on for this accident that hath hapned to the Plantation, but proceed rather chearfully in this honorable Enterprise, since the discovery of their brutish falsehood will prove (as shall appear by this Treatise following) many ways advantageable to us, and make this forewarning a forewarning forever to prevent a greater mischief."

On September 21, a license was granted Robert Mylbourne to publish "A poeme on the late massacre in Virginia;" but I have never seen a copy.

James I. had long been the especial advocate of the making of silk and wine in Virginia. He caused his servant, John Bonnel, a Frenchman, to prepare "A Treatise on the Art of making silk, with directions for making of lodgings, and the breeding, nourishing and ordering of silkworms and for the planting of Mulberry trees, and all other things belonging to the Silk-Art. Together with instructions how to plant and dress Vines and to make Wine, and how to dry Raisins, Figs, and other Fruits, and to set olives, oranges, Lemons, Pomegranates, Almonds and many other fruits etc. set forth for the benefit of the two renowned and most hopefull sisters Virginia, and the Summer-Islands." At the beginning was the king's letter (of July, 1622) to the treasurer, Council, and company, commanding the present setting up of silk-works and planting

of vines in Virginia, in preference to the cultivation of tobacco, and their letter of September 15, 1622, "to the Governor and Councill of State in Virginia for the strict execution of his Majesties Royall commands herein." At the end of the book is "A conclusion, with sundry profitable remonstrances to the Colonies," which may have been written by the king himself. While the company was not willing to yield their freedom of election to the king, the managers seem to have entered heartily into his ideas relative to silk and wine. They determined to send good store of Bonnel's books to Virginia, "to every Master of a family one," for encouraging all to undertake these commodities. The Southampton, Captain James Chester, sailed in September, and the Abigail, Captain Samuel Each, in October, with emigrants, supplies, arms, etc., for Virginia.

Sir Dudley Carleton wrote from the Hague to Secretary Calvert on September 17, 1622: "There are three of Count Mansfeld's eldest Captains dead there [at the camp of Schenken Schanz, to the east of Nymegen] in the space of three days. . . . Sir Thomas Gates, an ancient honest gentleman of our Nation, a Captain of foot," was one of them. Gates had been in service on the continent since the fall of 1620, and, although he did not die in Virginia, he died in the active service of his country.

The Privy Council having ordered a revision of the patent for New England, the Council for that colony on July 22, 1622, desired Sir Henry Spelman (the historian, and father of Captain Henry Spelman, who was killed in Virginia on April 6, 1623) to take "some paynes therewith and afterwards solicit the Attorney." November 1, Dr. Barnaby Gooch, Sir Robert Mansell, Sir Ferdinando Gorges, Sir Samuel Argall, and Captain Thomas Love of the New England Council, consulted Mr. John Selden and Mr. (Alderman) Robert Johnson concerning the heads of the new grand patent. From a subsequent order it appears that they also wished to have "our new pattent" confirmed by Parliament. In reply to a petition of the Coun-

cil for the affairs of New England, which was presented to the Privy Council on November 2, 1622, an order was given to Mr. Attorney-General Coventry to prepare a proclamation "fitt for his Majesty's signature, prohibiting all persons to resort unto the coasts of New England contrarie to his Majesties said Royall grant." This proclamation, prohibiting interloping and disorderly trading to New England in America, was signed by the king on November 16. Two days thereafter the New England Council agreed "that there shall be a commission granted to Captain Francis West to go to New England captain of the ship called the Plantation and admiral for that coast. And that a patent be granted to Captain Thomas Squibb, to be aiding and assisting to the admiral." Sir Ferdinando Gorges was desired to draw up the instructions for Captain West. November 29, the New England Council order, "that Capt Squibb have a commission for the John and Francis of London to go a fishing as Mr. Champernoun hath. Dec 2nd That Capt. Squibb's commission for aiding & assisting of ye Admirall and for discovery and takeing possession of Mount Mansell for Sir Robert Mansell's use bee forthwith sealed. Dec 10th Capt. West's commission is this day sealed. The Virginia Court had on Nov. 2nd commissioned Mr. Newland's ship called the Plantation to make a voyage to Virginia, and on Dec 7th they also commissioned the John and Francis to go to Virginia and then for a fishing voyage." These entries show that the New England Council and Virginia courts were acting in accord.

At the Virginia court of October 2, a letter from Captain Ralph Hamor in Virginia was read. Rev. John Donne, the dean of St. Paul's, was selected to deliver the annual sermon before the company. And Mr. Casewell, Mr. Melling, Mr. Bennett, and Mr. Rider were chosen to be stewards for providing and ordering of the annual supper thereafter. The sermon was delivered in St. Michael's Church, Cornhill, on Wednesday, November 23, upon the eighth verse of the first chapter of the Acts of the Apos-

ties. It was entered for publication on December 8, and three days after Dr. Donne wrote to Sir Thomas Roe, giving him "particulars of the sermons which Roe has had preached before the King and the Virginia Company." Thus it seems that Roe was the man who paid forty shillings per annum for these sermons. The supper, held after the sermon, was spread in Merchant-tailors' Hall. It was a grand affair, between three and four hundred being present, at a cost of three shillings (= \$3.50) a man.

At the court of November 16, Mr. John Ferrar passed one share to Mr. Edmund Hun; Sir Henry Rich and his lady, four shares to Mr. Henry Piercy (or Pierry); and Henry Reynolds, two to William Vesey.

Mr. George Ruggle (who had been one of the advisers of the managers of the enterprise for the last three years, and had written sundry treatises for the benefit of the plantation, in particular the one so highly commended by Sir Edwin Sandys, concerning the government of Virginia) died on November 29, leaving by will £100 for the education of infidels' (Indian) children.

In August, John Paulett, then Lord St. John of Basing, afterwards the celebrated Marquis of Winchester, gave the Virginia Company fifty coats of mail, and the Michaelmas quarter court (November 30) gave him ten shares of land and adventure in Virginia, and elected him a member of his Majesty's Council for the company.

December 14, Mr. Nicholas Ferrar passed two shares to Mr. George Mordent, and Henry Lord La Warr and the Lady Cicily two to Mr. Nicholas Downes.

Captain John Martin had refused to yield the privileges granted to him in his original patent for Martin's Brandon in Virginia; but the managers of the company had virtually annulled it for the time being, at least, by withholding it, etc. He had been in England since the summer of 1621, trying to make a satisfactory settlement. On December 19, 1622, he wrote to his brother-in-law, Sir Julius Cæsar [of the Privy Council], asking, "That your

honor would be pleased to order that my old patent may be brought in, and delivered to your honor's hands." The letter is indorsed by Sir Julius Cæsar, "From my brother Martin touching the question between the Virginia Company and him." Martin was evidently anxious to have the matter settled. On December 25, he drew up for Sir Julius Cæsar two papers; the first, giving his idea of "the manner how Virginia, if his Majesty and his Council and Company agree, may be made a Royall plantation, for God's glory his Majesty's and Royall Progeny's ever happiness and the companies exceeding good, and all this land shall receive daily profit thereby." It is indorsed, "The manner how to make a Royall Plantation — It seemeth not improbable." It presents a crude idea of the shire system which was afterwards adopted in Virginia. The Rev. E. D. Neill, D. D., published this paper in the Macalester College contributions, but the transposition of a page in the imprint has destroyed the sense of the document. The second paper gives Martin's idea of "The Manner howe to bring the Indians into subjection without an utter exterpation of them. Together with the reasons why it is not fitting utterly to make an exterpation of the Savages yett." And his ideas "for avoiding any future danger in our Colony that may grow." He regarded Opechancanough and the tribes under him, between the James and the Potomac, as the principal enemies of the English. They were also at enmity with the Monecans to the northwest, and the Potomacs and other nations to the northward; and in friendship with the eastern shore, and with the tribes south of James River.

In January, 1623, Sir Edward Conway succeeded Sir Robert Naunton as one of the secretaries of state.

The plan for allotting land and tenants to the offices in Virginia would have been more satisfactory if the people could first have been acclimated, and might have been finally economical; but under the circumstances its introduction proved too heavy an expense for the company's

purse. "About 120 tenants were now due to the various officers in Virginia. To send them as the managers were 'in equity and justice obliged to do' would cost at the first penny £2400, etc. It was found to be hard to enforce the bargains made in England with those who had been sent to Virginia. . . . Besides, the Company was in debt to the under officers and others in England, to the French vigneron and others in Virginia, and they had but little in hand. The various plans for public works had been prostrated by the massacre . . . and they could not be fairly resumed until the Indians were in subjection, which would take time," etc. At the court of October 17, some hot words passed between Mr. Samuel Wrote, the spokesman for his party, and the managers, about this state of affairs. These questions and the proposed contract for the sole importation of tobacco (over which there was still controversy) were now occupying a great part of the time of the courts. Under the contract for tobacco as outlined at the court of December 14, "which in all the most material points followed the judgment of the House of Commons in the late Parliament," the salaries of the various officers for the management thereof amounted to about £2000. It was urged by the opposing party that this was extravagant; that the company was in no condition to permit extravagance; that £600 was ample. Sir Edwin Sandys was slated for director, with a salary of £500, and John Ferrar for treasurer, with a salary of £400. It was contended that there was no need for a director at all, and that £100 was enough pay for the treasurer. In the debate Mr. Wrote was very outspoken. It was reopened at the court of December 21, and Mr. Wrote was then silenced by suspension from the Council. The condition of affairs in Virginia being unknown, the managers had been meeting the attacks with some caution. About Christmas several ships returned from Virginia with encouraging reports, and they then became aggressive. In January, 1623, the courts took up again the wording of Mr. Wrote's

speech of December, and met his charges more boldly from court to court. On February 12, "the contract between the Lord Treasurer of England on the behalf of His Majesty and the Virginia Company touching the Importation of Tobacco," was read by the Privy Council and allowed by the board. But the dispute over the salaries and other questions at issue went on in the Virginia courts. At the preparative court of February 13, Sir Henry Mildmay told the company "that his Majesty had lately taken notice of these differences, as a hinderance to other main business of special consequence unto the plantation, and that his Majesty understands that divers adventurers have been discouraged from going on, and wonders that so many are willing to give over their shares." At the quarter court of February 15, Sir Henry Mildmay told the court that the king "wished that verbal differences may be left and the business of the plantation go on." Sir Edward Sackville indorsed this, adding that "his Majesty invites us to forsake words and fall to actions, and at last to end to talk and begin to do, which would most advance his service and confer the greatest benefit unto the colony unto which he wished all happiness." But the managers seem to have been "wholly strangers to that wary circumspection which is commonly dignified by the name of prudence," in dealing with James I. After hearing the king's messages, they went on with their discussions. They excluded Mr. Wrote from the Council forever, and disfranchised him from the company as an unworthy member. The court then went to business; added Lord Maynard, Lord De la Warr, Lord General [I could not make out this name], Sir Lawrence Hide, and Colonel Ogle to his Majesty's Council for the company; commissioned several vessels to go first to Virginia, and then to make fishing voyages, and "upon the motion of Mr. Wm. Constable and Mr. Arthur Swaine a commission was given Mr. Reynolds, master of the William and John, to go a fishing solely for the relief of the Colony," etc.

The court of February 22 again took up the controversy over the contract, the salaries, the monopoly of tobacco, etc.; and these contentions continued to occupy a great portion of the time of the subsequent Virginia and Somers Islands courts.

February 28, the governor (Lord Cavendish) and company of the Somers Islands presented charges to the Privy Council against Captain Nathaniel Butler for leaving the islands and going to Virginia.

The news from Virginia, as given out to the public, continued to be encouraging; but "they were really having very hard times in the Colony." On March 10, 1623, a friend in London wrote to Rev. Joseph Mead: "Yesterday came good news from Virginia, that the colony well subsists again; hath driven Opoehanknogh far off, slain many of his men, in revenge of his last year's treacherous murdering of three hundred and forty of ours, and have got much corn from them."

On March 14, 1623, the Privy Council renewed their order of November 3, 1621, requiring the Virginia Company first to land all merchandise from Virginia in England, and pay his Majesty's customs thereon, before sending it into foreign parts for sale. They order that the ships very lately returned laden with tobacco, "conveyed into foreign parts without ever landing here," must be brought back upon penalties, and that the officials of the company must prevent the like fault hereafter. This order had been issued after hearing the statements of both parties at the Council Board. Lord Treasurer Cranfield was then on the side of the companies, with whom he had contracted. He told the court how the plantation had almost miraculously advanced under the management of Sir Edwin Sandys; that the sending of some ships from the plantations to Holland was none of the company's act, but of particular adventurers to whom the ships and goods belonged. But the answer was not satisfactory to the major part of the Council, and they issued the order aforesaid. The subse-

quent Virginia courts in March were largely devoted to "the answer of the Companies for Virginia and the Somer Islands to the Right Honourable the Lords and others of His Majesty's most Honourable Privy Council, touching their Lordships' proposition and command for the importing of Tobacco and all other merchandize from the said plantations into England." On March 29, after a long discussion, Lord Cavendish, Sir Edward Sackville, Sir John Danvers, Colonel Ogle, Sir Robert Killigrew, three deputies (John and Nicholas Ferrar, of the Virginia Company, and Gabriel Barber, of the Somers Islands Company), and Mr. White, or any four of them, were appointed to draw up a remonstrance of their said humble proposition and petition to the lords of the Privy Council, and to present the same unto their lordships in the name of the company. The paper was drawn, and afterwards (on March 30) presented by Lord Cavendish to the Privy Council. Sir Nathaniel Rich made answer thereto, and then presented, in a long paper, "Sundry Reasons against the contract and joynt stocke for the Virginia and Summer Islands Tobacco and against the monopoly of Tobacco." After hearing both sides, the Council determined to submit the matter to the king. Lord Cavendish made his report to the Virginia court on April 3. The lord treasurer wrote to the officers and farmers of the customs, and to Abraham and John Jacob, the collectors, that the contract was intended for the benefit of the colonies; but it had been decided by the Privy Council as rather prejudicial to them, and the tobacco was, therefore, to be delivered to the several proprietors thereof. The amounts which were to be paid to the king, the salaries, which had been increased to about £2500 per annum, and every other charge, was really to come out of the tobacco, — that is, out of the planters. As the size of the crop was an unknown quantity, the contractors would naturally protect themselves at the expense of the planters. The contract was not a fair one, but it was about as fair as those which went before and those

which came after. From the first, tobacco has been between the upper and nether millstone, and as much tax has always been ground out of it as possible. I have never used tobacco, and I am not prejudiced in its favor, but history demands the truth, and "the weed" was a cornerstone of our foundation.

By will dated January 10 and proven April 4, 1623, William Whitehead of London, gentleman, bequeathed a sum of money toward a school or church to be erected in Martin's Hundred, Virginia.

At the court of February 13, 1623, Francis Carter passed thirty shares: one to Christopher Vivian of London, clothworker; fourteen to "Mr. Edward Palmer of the Middle Temple, London Esq.;" one to Mr. Thomas Morse, haberdasher; one to James Carter, mariner; one to Mr. Thomas Latham of London, gentleman; eleven to Mr. Edward Palmer, Esq., and one to Richard Norwood, gentleman; Sir William Twisden passed three shares to his son, Sir Roger Twisden; William Burnham passed one bill of adventure of £12 10s, and one personal share to James Fotheringill; Colonel John Ogle was admitted, and Mr. Melling wished a committee to find out whether or no the book of laws was published by the authority of the company. On the motion of Sir John Brooke, a new patent was granted to Captain John Martin, according to the promise of the Earl of Southampton, "with as ample privileges as had been granted to his lordship, or any other ancient adventurer, and that his shares of land mentioned in his former patent, or which shall become due for transportation of persons at his charge, may be laid out in Martin's Brandon, of which he was formerly possessed."

On February 14, the Earl of Southampton passed two shares to Mr. George Garrett; Mr. John Ferrar passed one share to Sir Robert Harley, and one to Elias Souther-ton.

On February 15, Sir Humphrey Handford passed one share to Sir Timothy Thornehill.

March 1, Mr. Melling passed two shares to Mr. Boothby ; and Mr. Gideon Delaune, two to his son.

March 4, "Sir John Trevor ye father passed two shares to Sir John ye sonne ;" Mr. Viner, one share to Mr. Francis Bickly and one to Mr. Robert Alden ; and Mr. John Ferrar, one to Mathias Caldicott, Esq.

March 17, Sir Edwin Sandys passed five shares to his son Henry ; Mr. John Budge, one to Mr. Middleton ; and Mr. William Janson, two to Mr. Rich. Biggs.

April 12, Sir Walter Raleigh's son admitted ; Mr. Webb passed one share each to John Gibbens, James Gibbens, and Lawrence Williams.

The James returned from Virginia in the first part of April, and the letter received by her from the governor and Council of Virginia was read at the court of April 12. Captain Nathaniel Butler probably returned on this ship. At this court, Captain Martin accepted the new patent that was offered him by the company, and was authorized by the court to bring suit in Virginia against Sir George Yeardley for wrongs which he charged Yeardley with having done him in the time of his government (1619-1621).

VIII

VIRGINIA, NOVEMBER 28, 1622 — AUGUST, 1623

SIR FRANCIS WYATT, GOVERNOR

MR. TRUELOVE and his associates were not discouraged by the massacre ; but determined to uphold their settlement in Virginia. They sent their bark, the Truelove, of London, of about forty-six tons, James Carter, master, from England, in August, 1622, with supplies for their plantation. She sailed in consort with the James, of 120 tons, which carried the first letters of advice and direction from the Council in England to the governor and Council of Virginia relating to the late massacre and other important business. These ships reached Virginia in November or December, 1622. In their letter (written by Nicholas Ferrar) the Council are disposed to blame the officers for not taking precautions against the Indians, and accuse them of being "in parte instruments of contriving it." They also urge the colonists to redress "those two enormous excesses of apparell and drinkeing, the crie whereof cannot but have gone up to Heaven. . . . In the strength of those faults undoubtedly, and the neglect of Divine worshipp, have the Indians prevailed, more than in your weakness." They urge that "an humble reconciliation be made with the Devine Master, by future conformitie unto His most just and holie lawes,"¹ and that "they apply their labors especially to the setting up of staple comodities." They tell of the "King's disposition to grant the Companies the sole importation of Tobacco, and to give them certain

¹ Nicholas Ferrar, who wrote many of the letters from the company to the colony, afterwards established the

"Arminian Nunnery," at Little Gidding, in Huntingdonshire.

arms ;” of the various preparations which they were making for the advancement of the colony. They say that “it is absolutely nessary for the good of the Colony to replant Henerico, The Colledge-lands, the Iron Works, Charles Cittie and Martin’s Hundred.” The last-named they leave “to the adventurers for that Hundred ; but the Governor and Council must speedily restore the rest. The college affairs were to be placed under the management of M^r George Sandys, and the Iron Works under M^r Maurice Berkley.” “As for the Brick-makers they are to be held to their contract formerly made with Mr. Thorpe, so that when the opportunity shall be for the erecting of the fabricke of the Colledge the materialls be not wanting.” Instructions were sent as to the company’s lands and tenants. Extermination of the Indians was urged and rewards were offered for their taking ; and “if any can take Opa-chancano himself, he shall have a great and singular reward from us. As for those Indians whom God used as instruments of revealing and preventing the totall ruine of you all, we think a good respect and recompense due unto them, which by a good and carefull education of them may best be expressed and satisfied, whereby they may be made capable of further benefits and favors.”

The Southampton, Captain James Chester, which left England in September, arrived in Virginia in December.

About the middle of December, Captain Nathaniel Butler went up the river from Jamestown in his barque, and, meeting with Captain William Powell going against the Chickahominies, they joined forces and dispersed the Indians, taking their corn and destroying their towns.

The Success, of Barnstable, belonging to Mr. Delbridge, left the Bermudas about December 16, and arrived in Virginia about Christmas. She brought “sutes of aparell, some frise [frieze] and other commodities” to be left in Virginia with Delphebus Canne for trade. The Abigail, Captain Samuel Each, arrived from England about the same time, with Lady Wyatt, wife of the governor ; with the

arms which had been given to the colony by the king and by Lord St. John of Basing ; with forty barrels of powder ; the king's letters, and Mr. Bonnel's books, etc., *in re* silk, wine, etc. ; petitions, etc., relative to the estates of those killed in the massacre ; letters from the company, etc. Since May, the managers in England had been contracting with Captain Each, of this ship, for the building of a block-house or fort on the banks in James River, near Blunt Point, to control the channel of the river (on the shoals called "Tindall's shoulde" in his map of 1608), near the present "Point of Shoals light." Mr. John Ferrar had borrowed £320 of Lady Rumney and Mr. Thomas Melling for furnishing out this expedition ; but a desperate "disease originated on board [caused, it was said, by Duppa's bad beer], and most of the workmen [including the captain] died *en route* or soon after landing."

The company's letter to the governor and Council in Virginia, sent by this ship, had been ordered by the Virginia court of October 17. It states that "the late calamities that have befallne do much grieve but no whit daunt us, for we see no danger but rather advantage to be made thereby . . . as we cannot but think the seeding of this blood will be the Seed of the Plantation, for the addition of price hath much endeared the purchase." A sharp revenge on the Indians is advised. "The Arms given by the King should be made the beginning of a Publique Armorie to the Generall Colony, as a perpetual testimony of his Majesty's royal bounty and favour." General directions, instructions, etc., are given to Governor Wyatt and Council, "to be watchful, maintain discipline, plant corn, raise staple commodities," etc. Always expecting an attack from some of the constantly passing Spanish fleets, "they thought it necessary *above all things* to secure the river from suddaine Invasion by Shipping,"¹ and, with this object in view, "they now

¹ I have not found the dispatches to Philip IV. from his ambassadors in London at this time, but we may be sure that Olivarez was kept fully informed regarding affairs in Virginia, the massacre, etc.

send Capt Each to build a fort in the river above Blunt Point to command the passage ; the adventurers of Martin's and Southampton hundred had ordered their officers to aid in building this Fort ; the Company's tobacco and the joynt-stock tobacco for Glass, Furr, Maids, and shipwright rolls was to be sent home in the Abigail. Instructions relative to the magazine under Mr. Edward Blany [Blaine] ; debts due the Company for the youths sent in the Duty and other debts to be collected by Mr George Sandys, their Treasurer ; Sassafras, wanted," etc. The governor was to permit no one to leave the colony who was in debt to the company "until the said debt was paid."

The James, the Truelove, and the Hopewell, returned for England early in February. The last-named ship carried a great part of the magazine tobacco by order (as Mr. Blany affirmed) out of England, although the governor wanted the tobacco to go by the Abigail, as the company requested, under the contract with Captain Samuel Each. All of these ships carried letters to England.

The letter from the governor and Council of Virginia (written by George Sandys) to the London Company of January $\frac{20}{30}$, 162 $\frac{2}{3}$, sent by the James, begins: "We cannot but acknowledge God's great goodness that after those last great disasters hath stirred up the harte of his most excellent Majesty to bestow upon us so Royall a present of Armes & munition which we resolve to imploy to ye honor of our Countrey and revenge of his subjects bloud for which munition and his gracious intention of supplying us with people we beseech you to present our most humble thanks to his sacred Majesty," etc. They go on to tell what revenge they have already taken upon the Indians. "And now is Capt. Tucker in the River of Rapahanock to take revenge upon them as Confederates with Apochankeno. . . . [But] they are an enemy not suddenlie to be destroyed with the sworde by reason of their swyftness of foote, and advantages of the woode, to which upon all our assaults they retyre. But by the way of starving and all other

meanes that we can possibly devise we will constantly pursue their extirpation. By computation, and confession of the Indians themselves, we have slayne more of them this yeere, than hath been slayne before since ye begininge of ye Colonie.

“Whereas in the beginning of your Letters by the Truelove you pass so heavie a censure upon us as if we alone were guiltie, [but] you may be pleased to consider, what instructions you have formerly given us, to wynn the Indians to us by a kind entertayning them in our howses, and, if it were possible, to co-habit with us, and how impossible it is for any watch and ward to secure us against secret enemies that live promiscuouslie amongst us, and are harbored in our bosomes, all Histories and your owne discourse may sufficiencytie informe you,” etc. “The removall to the Eastern shore was only a thing in dispute; they had since determined to remain at James citty, having carefully repaired the decays and invited all men to build there,” “which proceeded cheerfully on, till your letters dyspersinge men againe wherein we submit our judgments to your Commands.” “Mr Barkley and Mr Southerne regard it as impossible to proceed with the Iron works. The Council wished to assault Apochancono himselfe, for which 300 men were thought necessary and not above 180 could be levied in The Colony, whereof 80 at least were only serviceable for carrying of corn.” Much of the letter relates to business matters,—ingrossing, sassafras, silk-grass, silkworm seed, vines, glass-works, etc. They seemed to have honestly tried to raise other commodities; but tobacco remained the mainstay of the plantation.

George Harrison’s letter of February 3, to his brother John, was also sent by the James. (He called the ship the Little James. Could this have been the ship of that name then *en route* for New England?) It relates chiefly to business matters (especially tobacco matters) between his brother, Mr. Bennett, and himself; but he says, “since the Massacre there is far more dead than was by it slayn, and

now at this time a great many sick, with no hopes of life. This present day died Capt. Powell that was gunner of James citty under the generall. Of all the whole number of servants we brought in the Sea Flower [1621-1622] there is not left above ten." He urges his brother to send good wines, butter, cheese, sugar, soap, and good "siniement waters" to trade in Virginia, assuring him "for £50 a £100," and then to send his ship back to England on a fishing voyage via the northern fisheries. He mentions a former letter sent to his brother by the Conqueror (of which ship I have no other record), and that Mr. Bennett had a brother living in Virginia.

Mr. George Sandys sent a private letter (written a few days later than Mr. Harrison's) to Mr. Ferrar, by the Hope-well, from which I extract the following:—

"Worthy Sir: Be this my excuse that I in particular write not to ye *generally* [*generality*?—the treasurer, Council, and company,—that is, the public]. I have nothing wherewith to palliat their humors, who I too well perceave will both judge and condemn whatsoever succeeds not to their desires without either inquiry of the truth or necessity of our actions. But we whom the hand of heaven hath humbled profess the inability of ye best Counsell & indeavors that are not supported by ye divine assistance neither have their aspertions much troubled us that are confirmed with innocency and habituall patience." He goes on to tell of the arrival of Sir William Newce in October, 1621, of his early death, and of the disposition of his few surviving servants, to Captain Wilcocks, Captain Roger Smyth, Captain William Tucker, Captain Crashaw, etc. "I am afraid there be little tobacco left which the magazine hath not receaved . . . 60,000 waight being the most that this year's crop hath produced. As for ye Duty Boyes they think much to be brought to a backe reconinge: since they paid as much as was demaunded for them & receaved acquitances. Yet Sir George Yardley will pay the over plus for those which he reserved to himself; the like

offer was made by Capt. [Wm.] Powell (who is now with God) but that they are not able at this time to discharge it. Sir George complaines not without cause, who I believe hath lost this year two thirds of his estate. And to give him his dew he hath behaved himself very nobly in ye service of ye Country to his great expenses. But what I can I will do & send you the accomptes by the Abigall.

“The shipwrights hath fayled with ye rest in this generall decay: Wherein if you blame us, you must blame the hand of God that hath taken away Capt Barwick, etc. The ill success of ye glass works is all most a’quall unto this. . . . The summer coming on Capt Norton dyed with all save one of his servants. The Italians fell extremely sick yet recovered; but I conceive they would gladly make the work to appear unfeasable, that they might by that means be dismissed for England. The fier hath now beene six weekes in ye furnace and yet nothing effected. They claim that the sand will not run & now I am sending up ye river to provide them better if it be to be had, &c. The silkworm seed that came in these last shippes are well conditioned for the most part. . . . Many vines planted the last year, but they came to nothing out of ye trouble of ye times, or want of art, or perhaps ye badnes of ye cuttings etc. We have taken an-other order that every plantation impale two acres of grounds and imploy the sole labor of two men in the business [making vineyards] for ye term of 7 years . . . and they are to build a house of two storyes, well seiled, for silkworms, by this meanes I hope this work will go really forward. . . . I have hired a ship to carry ye Colledge men to their plantation, which is now under sayle I pray God it succeed well, but I like not this stragelinge & if all had beene of my minde, I would rather have disobeyed your commands. . . . Such a pestilent fever rageth this winter amongst us: never knowne before in Virginia, by the infected people that came over in ye Abigall, who were poisoned with stinkeinge beer all falling sick & many dying, every where dispersing the contagion, and the fore-

running Summer hath been also deadly unto us." He tells "of his heart-breakings to see the ill success of their affayeres," etc. It "remaines that some things I should write of Virginia whereof (be not offended that I speake ye truth) you know but little, & wee not much more, but this I must defer until a time of more leasure . . . but with-all advise you that you adventure not too much in joynt stockes, nor in those projects which sure fayle by ye death of ye commander & principall workemen, for ye life of one in *every faculty is not to be relied upon ; such is ye state of this Country*. As for our other crosses, &c, I had rather others should screech them, then that they should proceede from my pen, but both you and me must submit ourselves to ye judgments of God, to whose protection I commend you & rest — Yours most assured, G. S."

Captain Nathaniel Butler left Virginia about this time, and, I believe, on board the *James*. We must consider the actual condition in which he really found Virginia in the winter of 1622–1623; the losses which had been sustained by the massacre in the spring of 1622, by the sickness of the summer and fall, and the pestilence from the Abigail in the winter, with short crops, and a war waging with the Indians. He may well have felt that it was time for something to be done — some change to be made, — for some one to "screech the crosses." And, under the circumstances, we could scarcely expect a very different report from the one which he made to the king (III. ; see p. 518). While it was not strictly fair in some things, and may not have been strictly true in others, it is not much worse in many things than the letters sent from Virginia to the company in England at this time. It was by this same token that the usual spring census of 1623 was not made public; but it seems certain that over 1300 people died *en route*, or were killed or died in Virginia between February, 1622, and February, 1623; and that Butler really left, as was claimed, but few, if any, more English in Virginia than were there at the end of Sir Thomas Smythe's administration in November, 1619.

Almost all things naturally appear at a disadvantage in the desolate winter season. Copies of many letters sent from Virginia in February, March, and April, 1623, have been preserved. Some of them convey a worse impression than Butler's *Unmasking* (III.; see p. 518); but as the spring opened the general tone became more hopeful. While stating the desperate estate of the colony, they show a growing determination to go forward with their work at all hazards, to plant a full crop, and to fall on the Indians in the autumn. They had reached the conclusion that it was necessary to exterminate the Indians before the English could occupy the country with any safety or satisfaction, and this had now become the leading object. "On the Sunday before Shrovetide the English had a combat with the Indians, and took two of them alive, who reported that 15 of the English were still held as prisoners." Other accounts said that "they had killed all the male prisoners and only preserved the females."

The *Seaflower* left England late in 1622, or early in 1623, with supplies for Virginia; stopping at the Bermudas she caught on fire in some way, and was burnt up about March 28. The people in Virginia had learned that this ship had been sent with provisions for their relief, and from March to July they were looking daily over the waters most anxiously, but in vain, for a sight of her sails. The hopes of the famishing plantation were centred on her; and almost every letter expressed an earnest desire for her early arrival.

The *Tiger*, which had been commissioned in England to trade with the Indians in Virginia for corn, "being set forth with the pinnace of Vice-Admiral Pountis, under Captain Spilman, a warie man well acquainted with their treacheries — having been at their betraying of Capt. John Ratcliffe — and the best linguist of the Indian tongue in the country. They went up the Potomac to trade with the Anacostan Indians [near the present site of Washington city] with whom Spilman was acquainted. Where landing

with his men in armour the Indian King asked why he came to trade so armed? And becoming convinced of the sincerity of the Indians, the next day April 6th, some 26 English coming ashore disarmed thinking to trade were all cut off by the Indians," being taken by "some surprise not a piece discharged." Captain Spelman and nineteen others were killed; Captain Henry Fleet and the rest taken prisoners. The Indians took the pinnace of Pountis, a shallop, and a small boat, and then attempted to take the Tiger, but the four or five sailors and some few landmen aboard "whiffed up sayles and went faster then theyr Canowes." As an illustration of the differences in the evidences, the number of canoes in the attack is variously stated at from "10 canoes" to "about 200 canoes, with above 1000 Indians." The Tiger returned empty to New Port Newce, about April 12, "so that if the Seaflower come not quickly on, there will hardly be found a preservation against famine."

Since April, 1622, the English had been killing the Indians wherever they could, and they had been doing the like by the English. How many they had killed in all I do not know; but after this surprise of Spelman, Governor Wyatt wrote to Mr. Ferrar, "Indeed all trade with them must be forborne, and without doubt either we must cleere them or they us out of the Country." Their attack on the Tiger was the subject of much talk and uneasiness in the colony, for hitherto "they had alwayes much feared a ship," and it had always been regarded by the English as a sure refuge.

In the fall of 1622, Captain Francis West, being then in England, presented a petition to King James, signed by himself, William Claybourne, John Brewer, Robert Sweet, and William Capps, "on the behalf of themselves and the rest of your poore distressed subjects of the Virginia Plantation," stating their grievances, and that the "Plantation will presently sink and become of no use at all unless your Majestie out of your gracious and loyall care of all your

subjects and of all the parts of your dominions wilbee graciously pleased to take them into your immediate care and protection ; to make the tobacco your own commoditie ; to take a convenient proportion yearly from the colony at a reasonable price — Whereof your Majestie may make an assured gaine, and the Planters have means to subsist for the present & to apply themselves for the future to plant some real commoditie there to which that Country is apt and fitt," etc. The king gave them a favorable answer, and wrote to the governor of Virginia on the subject. His letter has not been found, but it was probably brought to Virginia by Captain Francis West, who arrived in the spring on the *John and Francis*, which according to the Virginia records came via "Canada ;" but evidently this should be by "New England." The ship belonged to Sir Robert Mansfield, and while it had been commissioned in England by both companies, a special object of the voyage was the taking possession of "Mount Mansell" (now known as "Mount Desert") for the owner of the ship. On April 9, Francis West, John Potts, Samuel Mathews, Roger Smyth,¹ William Claybourne, and William Tucker wrote to Henry Viscount Mandeville, the lord president of the Privy Council in England, relative to the king's said letter to the governor of Virginia, "signifying his pleasure to take the commodity of tobacco to his own use, and requiring that we should here contract with the Burgesses of ye severall plantations for the same on his behalfe, together with instructions to that purpose from the Attorney generall, whereunto may it please your lordship in all humbleness of duty, we have returned our answer (as we were required by our Petitions) and declaration sent in these ships, humbly shewing unto his highness, the great prejudice that this colony hath received by divers contracts made wholly without our consent or privy, &c. But since all former contracts are dissolved & that his Majestie hath ben pleased

¹ Mr. Neill was mistaken in thinking him a son of John Smith of Nibley. They were nearly of the same age.

to extend his princely care for the establishment of this Colony, which without the supportation of his Royall hand must necessarily sinke — we have regayned new hopes to our dispayring minds in assured confidence that all factions silenced, and the private intentions of others prevented — our just petitions will receive a favourable admittance & hearing.” And they implore his lordship, who had “heretofore been the greatest means to overthrow the former contracts, so now again to continue his protection,” etc. I have not found their “answer and declaration” to the king; but they reached the Royal Commission in England before the following July, and were probably sent by the Abigail, with the numerous letters written in April, 1623.

Mr. George Sandys, in his letters to his brothers, Sir Samuel and Sir Myles Sandys, of April 9, criticises the management of his brother Sir Edwin and others severely. “But I pray God their contemplations do not so overswaye our experience that all in the end come to nothing: who thinke every thing done as soon as conceived (how unfeasable soever) and so highten their proceedings that it is impossible for our Actions to go along with their reports.” “But men that are ambitious to bee counted wise will rather justifie then acknowledge their errors, and impute the fault to the execution when it is indeed in the project.” He tells them of many past trials in the colony: “The Governor and the Councillors, themselves were constrained to watch nightly by turns.” “Extreme hath been the mortalitie of this year, which I am afraid hath doubled the number of those which were massacred; yet with our small and sicklie forces we have discomforted the Indians ’round about us, burnt their houses, gathered their corn and slain not a few; though they are as swift as Roebucks, like violent lightening they are gone as soon as perceived, and not to be destroyed but by surprize or famine. They now begin to desire a peace and after the restitution of their [English] prisoners, for whose sakes we seem to be inclinable thereunto, we will trie if we can make them as

secure as we were [at the time of the Massacre], that we may follow their example in destroying them."

The governor and Council's letter of April 13, to the treasurer and Council in England, relates the coming of Chanco ("who had lived much amongst the English, and by revealing the plot to divers saved their lives") and Camohan ("an Actor in the massacre at Martin's Hundred"), as messengers from the great king suing for peace, "that they might be suffered to plant at Pamunky and their former seats, which if they might peaceably do, they would send home our people (being about twenty) whom they saved alive since the Massacre, and would suffer us to plant quietly also in all places." The English sent Chanco back, but retained Camohan, whom they afterwards executed for his part taken in the massacre. Within a week after Chanco's return, he came back with Mrs. Boyse (the chief of the prisoners) "apparelled like an Indian Queen, which they desired we should take notice of." The other prisoners were not returned, they said, because of some threatening speeches made by Robert Poole. "If they send home our people and grow secure upon this Treaty we shall have the better advantage both to surprise them and cut down their corn by knowing where they plant; which otherwise they will plant in such corners as it will not be possible for us to find out." The letter goes on to tell of business matters, etc.; the death "of Capt W^m Newce (Apl 11th); the return of as many to their Plantations as have desired the same; Duppa's beer; the petitions regarding the estates of those killed by the Indians; the death of Captain Each; the place selected by him a mere oyster bank, 'a false loose ground;' but Capt. Roger Smyth observing that a fort upon the shore would as fully command the channell, they intend out of hand to fall upon that work, as soon as possible," etc. This letter is very considerate of the managers in England; but Governor Wyatt, in a letter of April 14, to his father, criticises them as severely as Mr. George Sandys, concluding his remarks: "I often wish

little Mr. Farrar here, that to his zeale he would add knowledge of this Country. I have made bould to trouble you with thus much, because if by occasion you be with them you may perhaps here us bitterlie censured and your authoritie may demand reason for it — which I know they cannot give *without dissembling our condition and numbers here.*”

The Margaret and John, accounted a loss ship, after a long and tedious passage, arrived about April 14, having been much distressed for want of sufficient provisions. “Which caused 9 or 10 of our passengers to leave the ship and stay in the West Indies, or St Vincents. 20 dyed and all sick except 3 or 4.” Richard Norwood, the engineer, came in on her. A day or so after Mr. Gookin’s ship, the Providence, with John Clarke as pilot, arrived at New Port Newce with forty men for him and thirty passengers besides. Which ship had also been long out and suffered extremely in her passage.

“Of all Mr Gookin’s men which he sent out the last year we found but seven — the rest being all killed by the Indians, and his plantation ready to fall to decay.” After the arrival of these ships the colonists appealed “to God to send us some *ships with provisions.*”

April 24, Edward Hill wrote letters from Elizabeth City to his brother, Mr. John Hill, mercer in Lombard Street, and to his father-in-law, Mr. Richard Boyle in Blackfriars, telling that he had lost “last year, by reason of the Indians £100 worth of cattle and I fear this wilbe as bad; for this is the worst year here that ever I saw like to be.” On the same day Secretary Davison wrote to Mr. John Ferrar promising “to send him by the next ship a perfect catalogue of the names of all the people that dyed or were slayne by the Indyans since the massacre & of all that remain alive.” And Mr. P. Arundell writes about a squabble over mulberry leaves between the chief men of Captain Whitaker and of Mr. Anthony Bonal (Bonnell), etc. Mr. Christopher Best writes to Dr. John Woodall of the death

of many of his young cattle ; and adds, " some freemen went into the woods to kill a deer and shot your calf ; but they are consigned to serve the colony seven years for it." Dr. William Rowsley wrote to his brother : " The country is fullie determyned this summer to set mainly upon the Indians, which if it please God to prosper we shall have again a plentifull countrey, but in the mean time we shall want if our friends in England do not stand to us." To illustrate the high prices then obtaining in Virginia he says he had given ten shillings for a hen, and eighteen pounds for a cow, etc.

The officials in Virginia and in England each blamed the other for the disasters ; but, as matter of fact, no one was to blame for the greatest misfortunes. The massacre could not be foreseen, and no specific for the malaria was known. I cannot diagnose the disease brought in by the Abigail and the Margaret and John ; but from John Baldwin's statement it must have been a pestilence. It was so rapid that mortification began to take place almost before death. To use his words : " They die like sheep with the rots, and rot above ground." Yellow fever committed great havoc among the emigrants to Virginia at different times, and a similar disease prevailed among the Indians of Massachusetts during 1616-1622 ; but I doubt if this pestilence was yellow fever. Dr. William Rowsley says that the sickness was as fatal among the kine and swine as among the people ; but he ventures no opinion about it, as to whether it was the same sickness which attacked man and beast, or otherwise.

Other letter-writers at this time were Thomas Nicholls to Sir John Wolstenholme ; Richard Frethorne to his father, and to Mr. Robert Bateman ; Peter Arundell to Thomas Wheatley, William Canning, and John Ferrar ; Lady Wyatt to her sister Sandys, and to her mother ; Richard Norwood to his father, and to " Mr. Marshall at the signe of ye Tobacco Rowle in Tower street London ;" William Hobart to his father ; Thomas Best to his brother ; Delphebus

Canne to Mr. Lawrence Ley, merchant, and to Mr. John Delbridge; Henry Brigg to his brother "Thomas Brigg, merchant at ye Custome House Key," relative to his bad treatment by his master Mr. Atkins; George Sandys to Samuel Wrote, John Ferrar, and John Tradescant; William Capps to Dr. Thomas Winston, Mr. John Ferrar, etc.

May 21, a commission was given Captain Roger Smith, who had lived twelve or thirteen years in the wars in the Low Countries, to build a fort at Warraskoyack upon "the shore where we might as well command shipping, as from the oyster banks of Capt Each, and with all have a strong plantation the grounds being rich and good. The place selected is naturally almost intrenched about with deep ditches which by the grace of God shall not want our uttermost endeavours in the finishing. We shall want great ordnance, whole culvering & demi-culvering at the least. And if God shall prosper us we shall frame a platforme hereafter & sincke it on the opposite flat [Tindall's Shoals] large enough to containe 5 or 6 pieces & thereby make the passage more unpassable for an enemy."

The New Netherland, under Captain Cornelis Jacobsen May, landed the Walloons at the mouth of the Hudson River in May, 1623. They had formerly proposed coming to Virginia, and their destiny was still under the same star.

In May, the governor again sent Chanco back to the great king to explain the threatening speeches of Robert Poole, "suffering him to carry certain bonds from the friends of the prisoners," and asking the king to return the rest of them home. About the last of May, Istan, the great king, sent Sir Francis Wyatt word that "if he would send up some Englishmen to tell them that they might plant their corn securely, he would deliver all the rest of the captive English he had, and would also deliver his brother Opachancano (who was the author of the massacre) into the hands of the English either alive or dead." Early in June, Captain William Tucker with twelve others were sent "in a shalope under colour to make peace with them."

On June 7, they came to Pamunkey, the chief seat of Opechancanough, and a great many Indians came to the river-side to speak with them; "and were in talke first to have home our English people, which the Indians granted and sent for them presently to cause them to go in the shalope to goe home, which they did — seven of them. Our English seeing a fit oportunitie (after they had accomplished their desire) there was a watch word given — when they shot and killed some 40 Indians including 3 of the chiefest, whereof one of them was Apachaniken [Opechancanough], the commander of all the other Indians." It was then said that "he had come to his ends by means more suitable to his deserts, than perhaps agreeing with Christian simplicitie." On June 24, the governor and Council wrote to the Earl of Southampton: "We have, by a successful stratagem, not only regained our people, but cut off some Kings and divers of the greatest commanders of the enemy, among whom we are assured Opachankano is one, it being impossible for him to escape, the design being chiefly upon his person and that happily exposed to the greatest danger." (But "the old fellow was not dead yet.") They state that "the Fort goeth cheerfully on;" that "it was proposed to run a pale from Martin's Hundred to Chescack, as it would win the forest and make the land below between the rivers inaccessible to the savages." They desire to know "whether we shall make prize of such Dutch and French as we shall find to trade with the savages within our limits." Governor Wyatt in his previous letter of April 17, to John Ferrar, had told him that "the Margarett and John lighted in the company of a Dutch ship, who said he would come hither. I should be glad to know what is to be done in such cases." He also said the people in Virginia were so hard to manage that he advised "some commission for a Marshall Court, at least *ad terrorem*, with what limitations you shall please for case of life, it may do much good."

The construction of the fort (opposite Point of Shoals light) was soon interrupted by "the usual summer sickness

among the new comers" — those not acclimated — and by the scarcity of provisions.

In the spring a barque was sent to the Bermudas for fruit, etc.; but I have no account of the voyage. A barque arrived from Canada (New England?) in June and returned again about July 12. Delphebus Canne sent a letter by her to Mr. John Delbridge telling him of the sale of his fish, etc. The land was still destitute of food, and they were still looking over the ocean in vain for the Seaflower; but "there was likely to be a great crop this year for thanks be unto God we have hitherto had good and seasonable weather for the fruits of the earth." They were "then looking for 3 ships from Newfoundland and 3 from Canada [New England?] so we will be well stored with fish."

One of these ships, the *Furtherance*, left Canada for Virginia probably in June "with above 40,000 of that fish which is little inferior to Lyng, for the supply of the colony, which fish is not less worth then £600," and arrived in July. The *Samuel*, the *Ambrose*, and other ships also arrived in Virginia about this time.

The governor issued commissions to several to go against the Indians, — to Captain William Pierce (who had been appointed captain of the governor's guard on June 8), the lieutenant of James City, to go against the Chickahominies; Captain Samuel Matthews against the Tanx Powhatans; Captain Nathaniel West against the Appomattox and Tanx Wyanokes; and Captain William Tucker, commander of Kecoughtan and the lower parts, against the Nansemonds and Warraskoyacks; and all of these commanders fell upon the Indians on the same day, August 2, 1623. A week after Captain Isaac Madison marched against the Great Wyanokes, and Captain Tucker went the second time against the Nansemonds. In each of these expeditions "they slaughtered the Indians, cut down their corn, burnt the houses which they had re-edified; and had so served the rest if that time of our greatest scarcity had not constrained us to desist. But as soon as our corn is ripe we shall set upon them again."

IX

ENGLAND, APRIL — NOVEMBER, 1623

HENRY, EARL OF SOUTHAMPTON, TREASURER; NICHOLAS
FERRAR, DEPUTY-TREASURER

THE news of "the fatall blow of the Massaker" in Virginia had tended to moderate the claims of the administration somewhat, but the good reports brought by the ships which arrived about Christmas, 1622, had put them on the aggressive again, and early in 1623 (I.) "A Declaration of the present state of Virginia comparatively with what had been done in former times" was drawn up by the order of the Earl of Southampton. Comparisons are apt to be odious, and, when they are unjust, we cannot expect those to whom they are unjust to receive them with silence. For "silence gives consent." When the matter of this declaration became known, Alderman Johnson and others, who had the management "in former times," drew up (II.) "A Petition to the King," asking him "to appoint a competent commission under the great seal of England to consider the case and to report the true state of the plantation at the end of Sir T. Smythe's government and since." The first part of this paper as entered in the Ferrar copy of the company records¹ is not exactly as in the original, which is as follows: "Most gracious Sovereynne — Amongst the manie memorable workes of your Majesties Gracious Reigne that of the English Plantation in the parts of America called Virginia is not the least, the beginninge of which enterprise beinge the first forrayn Colonie planted by our Nation, accompanied with so great a charge to furnish shipps and men & to make yearlie more

¹ See Neill's *Virginia Company of London*, p. 387.

supplies, without any present hope of retribution, was sufficient at the first views and computation thereof to have daunted & discouraged the most resolute & forward Adventurers. But by Gods assistance and your Majesties gracious encouragement with our discreet & mild Treasurer, [Sir Thomas Smythe] first nominated and appointed by your Majestie, under whose government all sorts of men were in such kinde & friendlie manner invited to engage themselves that notwithstanding many difficulties that great action, which otherwise had perished in the birth, not only took life and being, but proceeded in a most hopeful and comfortable course for many years together, with unity & love amongst ourselves, and quiet entertaynment with those Salvage Indians by which means sundry of those infidels & some of eminent sort were converted to Christian religion. Staple comodities began to be rayased and imported into this Kingdom," etc.

Before any action was taken on this petition Captain Nathaniel Butler returned from Virginia, and the king commanded him to write his (III.) "Declaration of the present state of Virginia," which was afterwards called "The Unmasking of Virginia." The king was considering II. and III. on April 20, at which time the matter was brought to the attention of the managers of the company, and two days thereafter (on Easter eve) an extraordinary court was held for the purpose of taking steps to meet the issue which had now been definitely made. They determined to present (IV.) "A Counter Petition to his Majesty" asking to have the case submitted to his Privy Council. "And the Lord Cavendish presented to the court *two* several writings, which being *revised* it was determined to have delivered to the king." They were (I.) "A Declaration," etc., formerly written, and (V.) "A Relation of the late proceedings of the Virginia and Somer Islands Companies," in answer to some importations laid upon them, together with the discovery of the grounds of such unjust objections and a remedy proposed for the better avoyding the like incon-

veniencies hereafter.” “Which discourse his Lordship said himself had drawn up for satisfaction of some very noble personages.” The paper gives a brief review of sundry events (from his lordship’s standpoint) from the troubles over the Treasurer, in 1619, to date. In matters relative to government the Sandys party papers are the strongest; but the fact is more apt to be appreciated now than then. When dealing with matters of business the papers of Smythe’s party are more practical, and I have found them generally the more correct. The management of the business portion of the enterprise under that party was evidently the most businesslike. However, the history of the movement during either administration cannot be based on such evidences as the opponent parties were now furnishing. In IV. Cavendish replies to the allegation that “*the government as it now stands is Democratical* and tumultuous, and therefore fit to be altered and reduced to the hands of some few persons.” He says, “It is true that, according to your Majestys *institutions in their letters-patents*, the government hath some shew of a democratic form, which is in this case the most just, and most profitable, and the most apt means to work the ends and effects desired by your Majesty for the benefit, wealth, and increase of those plantations, by which the profit of your Majesty, the adventurer, and planter will rise together.”

That same evening Captain Butler wrote to Sir Nathaniel Rich that the court had brought up again “my Lord of Warwick in the point of the Treasurer,” and suggested that the Earl should be “hasted in his return from Rocheforde.”

The documents I., IV., and V. were presented to the king on Monday, April 24, by the committee appointed for the purpose,—Lord Cavendish, Lord De la War, Sir John Brooke, Colonel Ogle, and Sir Edward Sackville. Some of the opponent party being present led to a discussion, in which Sir Edward Sackville is said to have “carried himself so malapertly, that the King was fain to take him down soundly and roundly; but, by means of the Lord Treasurer, he made his peace the next day.”

The king, in reply to the petitions of each party, referred the case to his Privy Council, which met on April 27 and issued the following orders:

“ Their Lordships having this day by order from his Majesty heard at large the Lord Cavendish with others representing the body both of the Virginia and Sommer Islands Companies, and divers particular adventurers & others who had complayned to his Majesty of some grievances, and having considered the allegations and answers on both parts, *did order according to his Majesty's pleasure in that behalfe* that there shalbe a *commission* under the great seal of England directed unto certain persons of Knowledge and sinceritie, who shalbe thereby authorized to examine by oath or otherwise by all lawfull meanes and ways to make enquiry into the true estate of the Plantations of Virginia and the Somers Islands & incidents thereunto belonginge from the very beginning of those Plantations unto the present tyme. As also, what moneyes have hereto-fore been Collected for those Plantations, by whome and how they were procured — As also in what manner those moneyes have been spent. And after the expense of so great sums of money what the Estate and Conditions are of those plantations now at this present; to enquire and search into all abuses and grievances concerning the former particulars and of all wrongs and injuryes done to any adventurers or planters and the grounds and causes thereof, and to propound after what sort the same may be better managed. Also to enquire who they be that prey upon the inhabitants and planters, selling and bartering commodities or victualls at excessive & unjust rates: whether the magazine or private men and at what price everie commoditie is sould.

“ And to the end there may be no discouragement amongst those who are now in Virginia and the Somers Islands by reason of Advertizement that may proceed from any factions humours or persons. Their Lordships did likewise further order that no particuler letters shallbe sent

by any man for or about any other matter or intelligence than his private business. That such letters as are written already to any other effect shalbe taken back. And if any be sent notwithstanding this order, the sending thereof shalbe taken as a contempt and infringing of their order. And they who shall send the same shall stand lyable to such punishment as they shalbe found to deserve.

“Lastly their Lordships did order that the said Companies shall write Generall Letters to those who are now in Virginia & Somers Islands to exhorte and admonish them to live together in Concord & unitie, and to employ their endeavours jointly for the publique good of the Plantations. To which purpose it was also ordered that two letters of like tenor [one to each colony] should be written from the Board.”

Lord Cavendish caused a Virginia court to be held that evening, “to consider of the letters to be written to both the plantations,” and the other orders and instructions of the Privy Council.

April 28, Middlesex wrote to Conway that “the Privy Council had agreed on Sir William Jones, Sir Nicolas Fortescue, Sir Henry Bouchier, Sir Henry Spiller, Sir Francis Gofton, Sir Richard Sutton and Sir William Pitt, or any four of them, as Commissioners; a commission was to be presently awarded to them, an order therefor having already been given to Mr. Attorney General, and as soon as it was properly returned the case would be looked into so that *they may have some true grounds to work upon*,” etc. That is, in plain English, the royal commissioners were appointed for the purpose of finding some reason for justifying the king in doing what he had made up his mind (prior to March, 1622) to do.

At the Virginia court, on the 28th, the general letter to the Council of State in Virginia was read and approved, and the committee was instructed to submit it to the Privy Council on the next afternoon, who returned it for revision in some particulars.

On the 29th, Chamberlain wrote to Carleton: "There is a great faction fallen out in the Virginia Company. The heads on the one side are, the Earl of Southampton, the Lord Cavendish, Sir Edward Sackville, Sir John Ogle, Sir Edwin Sandys, with divers others of meaner quality. On the other side are, the Earl of Warwick, Sir Thomas Smith, Sir Nathaniel Rich, Sir Henry Mildmay, Alderman Johnson, and many more." The number of the opponent party was stated by the administration party to be only 26. It is true that only from 20 to 26 of this party attended the courts at all regularly; but these seem to have done so more as attorneys and reporters than with the object of controlling actions. Owing to the non-action of so many members of the company, a correct estimate as to the numerical strength of the parties cannot be formed; but between 80 and 100 were certainly in active opposition to the administration party, and about 700 others were in the opposition, in so far as that they had ceased to attend the courts. It seems certain that the opposition might have defeated the administration in the coming elections had they wished to do so; but many of the company who were not personally interested, or especially interested, in establishing the new form of government in America, now desired to shift the responsibility of the enterprise to broader shoulders. The company had carried on the work as long as it well could, or afford to, as matters then stood, and most of the members now wished the king, while protecting their property rights acquired under the company, to take the colony under the crown, as, it was stated, the ultimate intention and object had been from the beginning. The company was not intended to control the fifth kingdom longer than diplomacy made advisable. It had now fulfilled its mission, and in doing this, under the divine providence, had laid the foundation for a republic both in North and South Virginia. Then was not the time to build thereon, but when that time did come the foundation then laid was ready for the building.

At the Virginia court, May 3, Johnson's Petition (II.) and Butler's Unmasking (III.) were read to the court, and steps were taken for preparing full replies to both. On the same day Secretary Conway wrote to the lord treasurer to hasten the commission for Virginia, and the next day the lord treasurer replied that the draft of the Virginia commission was ready to be submitted to the Council.

The company was now holding courts almost daily, taking depositions, delivering discourses, etc. At the court of May 10, Mr. Scott passed three shares to "Mr. Thomas Culpepper of ye Middle Temple London Esq." Nicholas Ferrar, the deputy, read several of the aforesaid discourses, etc., out to the assembly; and the opposition at once petitioned the Privy Council "to make inquiry touching certain matters of unjust accusation and contention read by Nicholas Ferrar" at this meeting. They submitted that "such matters should have been laid before the commissioners and not the public."

The general letter to the governor and Council in Virginia from the Privy Council in England was ready on May 10, and the one from the treasurer and company was ready two days thereafter. Both were sent to Virginia by the Bonny Bess.

The Virginia court of April 22 had appointed "Sir Edwin Sandys, Sir Edward Harwood, Mr. John Smyth (of Nibley), Mr. White, Mr. Berblock, Mr. Withers, Mr. Copeland, and Two Deputies [John and Nicholas Ferrar]," a committee for perfecting the various writings which they intended to submit in their case to the king and Privy Council. And this committee had been supervising these things all along. On May 17, a very full court being assembled, I., II., III., IV., and V. were again read. Then the company's answer to Alderman Johnson's Petition (II.) was read, viz. (VI.) "An Answer to a Petition delivered to his Majesty by Alderman Johnson in the name of sundry adventurers and planters of Virginia and Somer Islands Plantations." This was directed especially at Sir Thomas Smythe and Alderman Johnson.

VII. Then “*The answers of divers planters that have long lived in Virginia*, as also of sundry mariners and other persons that have often been at Virginia, unto a paper entitled [III.]: ‘The unmasked face of our Colony in Virginia as it was in the Winter of the Year 1622.’” Butler’s paper contained more truth than it was then advisable to make public; but the paper was not fair, and neither were the answers thereto. They attempted to make the faults of the paper greater than they were.

VIII. Then “*the attestation of Severn and Lowe*, how they were drawn by Captain Butler to subscribe to his information.”

IX. Then the company’s “A True answer to a writing of Information presented to his Majesty by Capt Nathaniel Butler” (III.).

X. Then “A Declaration made by the Council for Virginia and principal assistants for the Somer Islands of their judgments touching one original great cause of the dissensions in the Companies and present oppositions.” This was a reopening of the old Warwick-Argall “Treasurer” controversy.

XI. The last paper was “*A second petition to the King’s most excellent Majesty*, which Sir Edward Sackville was earnestly desired by the Court to present to his Majesty for hastening the commission,” etc.

These papers seem to have been written diplomatically more to draw attention to the earlier administration by an attack on it, than to give the actual present state of Virginia, which was really the question at that time.

At this court Sir John Culpepper passed a share to Mr. Freake of the Middle Temple, gent.

May 18, Conway wrote to Sir Edward Sackville concerning the petition (XI.), which he was appointed to deliver to “his Majestie on the behalf of the Virginia Companie,” acquainting him with his Majesty’s pleasure therein, and sending it to him by his page. On the same day Conway wrote to Mr. Secretary Calvert to “hasten the passing

under the great Seales of the Commission concerninge the Virginia Company and see that the Commissioners do likewise expedite the business ; ” endorsed, “ sent by Mr. Ches-terman at midnight.” The commission was sealed and signed the next day (May 19), giving the commissioners full power to carry out the orders of the king and Privy Council to send for persons, papers, etc., to consider the evidences fully, “ whereby the Truth in the Premises may the more playnely appeare.”

Several days after the Virginia court of May 17, “ the Earl of Warwick and the principal persons Adventurers in the Plantations of Virginia and the Summer Islands made complaint to the Privy Council that whereas both they and the Virginia Company were directed to attend the Commissioners (authorized under ye great Seal of England for the handling of matters importing those Plantations, the particulars whereof appear at large in the Commission itself) to the end they should inform the said Commissioners of such abuses and grievances either in point of government, misemployment of money or ye like, whereof either side mought have any just cause of complaint. With express charge and command nevertheless from the Privy Council that in the preparing of the information each party should go directly to the matter and avoid all bitterness and sharpness of stile, or other impertinent provocation tending rather to revive and kindle former heats and distractions, between the said two parties, then anyway conducting [conducting ?] to the work and service intended.” “ That notwithstanding their Lordships commands so given, those of the Virginia Company have contrived & sett down in writing, and caused publiquely to be read a long and impertinent *Declaration* [X.] consisting for the most part of bitter and unnecessary invectives and asperitions upon ye person of the Earl of Warwick¹ and others whom they stiled his Instruments and Agents.” The Privy Council

¹ His suit against Captain Edward Brewster was before the High Court of Admiralty about this time.

(present: the lord archbishop of Canterbury (Abbott), Lord Keeper Williams, Lord Treasurer Cranfield, Lord President Montague, Lord Steward Stuart, the Marquis of Hamilton, Lord Chamberlain Herbert, Lord Carew, Lord Brooke, Mr. Treasurer Edmonds, Mr. Comptroller Suckling, Mr. Secretary Calvert, Mr. Chancellor Weston, and Master of the Rolls Cæsar), considering this complaint on May 23, “caused forthwith the said writing itself together with such persons as were nominated to have a chief hand in the penning thereof to be brought before the Board: and having at large perused the said writing containing five or six sheets of paper, & likewise taken examination of the persons themselves, when called before them, and finding the said writing to be for the most part such as was complained of, and that the persons who were chief actors in the inditing and penning thereof were the Lord Cavendish, Sir Edwin Sandys, Nicholas Farrer, and John Farrer — have thought fit and accordingly ordered that they four should be forthwith restrained of their liberty and consigned to their severall lodgings or Houses (as persons guilty of a contempt against the direction and commands of this Table), where they are to remain untill his Majesty or this Board shall give further order.”

The Easter court, the time for the annual elections, fell this year on May 24. The king had previously recommended to the company the following list from which they were to elect their treasurer and deputy: “Sir John Merri-
rick, Mr Martin Bond, Mr Nicholas Leate, Alderman Hammersley, Mr. Humfry Slany, Mr. Gibbs, Mr. Robert Smyth, Mr. Ditchfield, Mr. Wolstenholme, Mr Edwards, Mr. Dike, and Mr Edward Bennett;” but after consultation with his Privy Council on the 23d, “it was thought best that the election of new officers should be absolutely put off and none chosen at all until the next court.” Early on the next morning (24th) Mr. Secretary Calvert wrote to the aforesaid effect to the Earl of Southampton, and when the court met it was agreed that the old officers should continue in their

places until the next quarter court. The business accounts of Sir Edwin Sandys and of the Ferrars were justified by this court and they were given their *quietus est*. Thomas, Lord Bruce (created Earl of Elgin in 1633) was admitted into the company and added to the Council for the company, as were also Sir Humphrey May (chancellor of the duchy), Mr. White, and Mr. Tomlyns. Peter Humblé passed ten shares to John Burgh, and Mr. Bland one to Mr. Robert Edwards. The court appointed Sir Edward Sackville, Sir Robert Killigrew, and Sir John Danvers to go before the commissioners on the next day and to present for their consideration several of the papers which had been read to the court of May 17. Certain books of the company had been sent to the Privy Council for their inspection on May 3, and this court (May 24) states that "the Lords of his Majesty's Privy Council had sequestered all the court-books out of the Company's hands."

May 25, the commissioners require the company "to bring before us to the guest-house, next adjoining to St Andrew's church in Holborn, upon Saturday next [27th], all and singular such letters-patents, proclamations, commissions, warrants, records, orders, books, accompts, entries and all other notes and writings remaining in your or any of your custody concerning the plantations in Virginia or the Somer Islands, or concerning the several Companies." The order is "to Edward Collingwood, Secretary to the Company of Virginia and to the clerks and officers," etc. Upon receiving this order the Virginia court of May 27 "appointed the committee hereafter named or any three of them, with the Secretary, to attend the commissioners from time to time with the letters-patents, & books of accompts, which were by them required to be brought; and at every rising of the commissioners to bring back the original letters-patents, leaving there with them the copies of the said letters-patents, which they hoped would content the commissioners. As for the accompts, the commissioners were to be desired in the Company's name that they would respite

the delivery until the accomptant might take copies of them, when together with the other things, they should be delivered unto them.

“The committees are these: Sir Robert Killegrew, Sir John Danvers, Mr Herbert, Mr. Tomlyns, Mr. White, Mr. Withers, Mr Bland, Mr. Barber, and Mr. Berblock.” This committee was also to request the commissioners for the speedy examination of their “Declaration” (X.), as it was very important for the company to have the services of John and Nicholas Ferrar at this juncture, as they were most versed in the business of these latter years. They were released prior to June 3.

Thanks to the foresight of Mr. Nicholas Ferrar, an important portion of the evidence for the administration party has been preserved as it was, after thorough revision by their committees, perfected and presented to the commission. Much of this has been published and incorporated into our histories. On the other hand, the documents that I have from the other party are, for the most part, incomplete drafts, which had been roughly drawn by Sir Nathaniel Rich, Sir Thomas Wroth, Alderman Robert Johnson, and others, and submitted to the committees of their party, who advised thereon, and then made notes for corrections, alterations, etc.; but the revised papers, as completed and presented to the royal commissioners, have gone the way of the other original records. Therefore, in considering the case between the two parties in the company it must be borne in mind that the evidences are not yet on an equal footing; but as very little of the evidence for this party has been published, and as the history of the first administration has been based largely on the evidence furnished by their opponents, it would be an act of justice to publish these papers, imperfect as they generally are, and this will be done some day.

The party in opposition sent to the commission replies to each one of the administration party papers, I., IV.–XI. I should like to give them in full, but they are too long, and

I have made use of much of the material contained in them from time to time in this book. They are generally businesslike in views presented (and their chief opposition was to the business management of the Sandys-Ferrar party), and correct in statements made, but they are party papers, like those to which they were replies, and like the evidence on which their party has been judged. But the history of the administration of no party can be based solely on evidence furnished by an opponent party, however agreeable it might be to that party to have it so; it is necessary, in order to arrive at the facts, to consider the evidence for all parties engaged in the enterprise.

The following important document was presented to the commissioners by Sir Nathaniel Rich (one of the attorneys for the opposition) about the 1st of June: —

“This day being friday the 16 of May [O. S.] 1623 between the hours of 11 and 12 a clock in the forenoone Captaine Bargrave came to me to shew me a paper which he had drawne concerning the present government of Virginia, which I onlie read and delivered to him againe and he and myself being then all alone in the great Chamber of my Lord of Warwick’s house he tould me that he was afrayd to discover somethinge which he knew of Sir Edwin Sandys his proceeding in those businesses, both because he was so upheld privately in his courses as also that he had the strength of the Court¹ to countenance him in all things, and had so carryed the business that he would be sure to hide all his owne ill actions under the name of the Companye: Besyde he tould me that by his long acquaintance with him & his wayes he was induced verilie to beleave that there was not any man *in the world* that carried a more *malitious* heart to the Government of a *Monarchie* than Sir Edwin Sandys did. For Capt. Bargrave had heard him say *That if our God from heaven did constitute and direct a forme of Government it was that of Geneva.* And he hath oft tymes reprehended Capt. Bargrave that in some

¹ That is, the Virginia court.

written tractates of his, and in his discourses he seames to dislike the Constitution and frame of the present Government of Virginia as that which inclined unto, if not directly being a *popular Government*. He telling Capt. Bargrave that his intent was *to erect a free state in Virginia*, and other words to that purpose. And to that intent (he, Capt. Bargrave, affirmed to me) Sir Edwin Sandys moved my Lord of Canterbury to give leave to the Brownists and Separatists of England to goe thither. For which my Lord grace of Canterbury sayed to Bargrave that he should never like well of Sir E. Sandys, those Brownists by their doctrine clayming a liberty & disagreeing to the government of monarchies.¹ And the said Capt. Bargrave likewise affirms that if the Charter which by Sir Ed. Sandys his meanes was sent into Virginia (in which is a clause (as he sayes) that *they shall have no Government putt upon them but by their owne consents*), and his other proceedings in those businesses of the Plantations (especially *such as concerne government*) were looked into it would be found that he aymed at nothing more than to make a *free popular state there*, and himselfe and his assured freinds to be the leaders of them. With much to this effect, declaring in my apprehension a miraculous ill affection in Sir Edwin Sandys to their happier frame of Monarchie.”

[Endorsed] “A note which I partly [presently?] tooke of Capt. Bargrave’s discourse to me concerning Sir E. Sandys, 16 [26 N. S.] of May 1623.”

John Ferrar says, in his memoir of his brother Nicholas, that “the [Privy] Council finding that the Company were still resolved not to part with their patent, or with the liberty which they thereby had to govern their own affairs, now took a more severe, and not less unjust course. They confined Lord Southampton to his house, that he might not come to the Virginia Courts, of which he was the legal

¹ See p. 265. Sandys wished to public authority of the archbishop, have the Pilgrims tolerated by the and this was refused.

Governor. But this only made the company more resolute in their own just defence. They then ordered Sir Edwyn Sandys into a similar confinement. But this step in no degree abated the resolution of the Company. Then the Lords, under the influence of Gondomar, strongly pressed the Company to give up their patent. The Marquis of Hamilton and the Earl of Pembroke informed Lord Southampton and Sir Edwyn Sandys of these proceedings, saying, That Nicholas Ferrar, though now left as it were alone, was too hard for all his opposers. But continued they, your enemies will prevail at last; for let the Company do what they can, in open defiance of Honour, and Justice, it is *absolutely determined* at all events to take away your patent." John Ferrar's account is very valuable if taken with a due grain of allowance. It is naturally partial to his brother Nicholas, and not perfectly fair to his opponents. Unfortunately, it seldom gives dates, and having been written some years after, evidently largely from memory, it is sometimes badly mixed as to dates and the relative positions of events. However, it is not always evident whether Peckard is giving Ferrar's words or his own, and it may be that Peckard is more to blame than Ferrar for the mixed state of portions of the book.¹

The Privy Council did not call for the surrender of the charter until the fall of 1623. Mr. Nicholas Ferrar was the acting head of the Virginia Company from June, 1623, to the spring of 1624. Although Sandys and Southampton were confined to their houses, or not permitted to come to the Virginia courts, Ferrar had access to them. And they gave him all the assistance in their power, as did also the Marquis of Hamilton, the Earl of Pembroke, the Earl of Dorset, the Earl of Devon, Lord Paget, Lord Cavendish, Sir Humphrey May, Sir Robert Killigrew (probably the Earl of Carlisle), and many others. "But all to no purpose," says John Ferrar; "for the King, notwithstanding

¹ *Memoirs of the Life of Mr. Nicholas Ferrar.* By P. Peckard, D. D. Cambridge, 1790.

his royal word and honor pledged to the contrary, notwithstanding the grant under the Great Seal of England, notwithstanding all that should bind the conscience, and direct the conduct of an honest man, was now determined with all his force to make the last assault, and give the death blow to this, as yet, prosperous and thriving Company."

On June 1, 1623, the Privy Council issued the following order: "Their Lordships being this day informed that notwithstanding their former commands and directions that all Charters, Books, (and by name the blurred Book or Books) Letters, Petitions, Lists of names and Provisions, Invoyses of Goods, and all other writing whatsoever, and Transcripts of them, belonging to them, or anywise importing the Plantation of Virginia and the Summer Islands, should be forthwith brought in to the Clerk of the Council to the end they might be delivered to the Commissioners for the said Plantations — That nevertheless divers of them ¹ and by name the Blurred Book or Books, are still concealed and kept back; which neglect towards the Commands of this Board, their Lordships finding just cause to reprove, have thought fit hereby streightly to will & require both the said Companies and in particular the officers of the same, that *they cause all the said charters, Books &c above mentioned* to be forthwith delivered in to the said Commissioners, and that the Clerk of ye Council do likewise deliver in unto them, such of the said Books &c as are in their custody — Of all which each party may have free use in such sort as to ye Commissioners shall seem good. And that all Boxes & Packages of Letters which hereafter shall be brought over from Virginia or ye Summer Islands during this Commission shall be first and immediately delivered to ye Commissioners by them to be broken open, perused or otherwise disposed [of] as they shall find cause." ²

¹ It may be that Nicholas Ferrar had already commenced the copying of these records.

² In a copy of the Company Records, in the Library of Congress at Washington, it is stated that some of

At the Virginia court of June 3, the king's letter of May 28 to the company was read, which the court construed as being prohibitory to the continuance of the meetings of the company; and it was agreed that they would keep no more courts until they understood his Majesty's gracious pleasure concerning two points therein contained. Lord Paget, Sir Edward Sackville, and Mr. John Ferrar were appointed to draw up a petition to the king on these points, which Mr. Chancellor of the Duchy (Sir H. May), Mr. White, Mr. George Scott, Mr. Zouch, and Mr. Bennett delivered to the king the next day. It was a long argument rather than a petition. It was submitted by the king to Mr. Alderman Johnson and Sir Nathaniel Rich. Johnson said that "they pretended a nice and litterall interpretation of his Majesty's letter; that it did not need alteration but only explanation." Rich drafted a reply, which was submitted to the king, and embodied in the second royal letter of June 14, which was read to the Virginia court of June 19, and was satisfactory. The court hereupon, to express their thankfulness to his Majesty for so gracious an answer, sent a letter to the king to that purport.

On June 19, Mr. Burgh passed one share to Mr. Anthony Withers; Henry, Lord De la Warr, passed three shares to Colonel John Ogle, and Mr. Downes two shares to Mr. Richard Winckfield (or Wingfield). As the company was now anxious to have "friends at court," this was probably Richard Wingfield, esquire of the body to James I., or his nephew of the same name, son of Sir Robert of Upton.

The God's Gift (Gift of God?) left England about this time, carrying above 46 hogsheads of peas, meal, and oat-meal, etc. She went via the Bermudas, and carried letters for that colony as well as for Virginia. Soon after this ship sailed, the Abigail arrived in England from Virginia (about June 27) with a large package of over fifty letters from the officials and others, which the royal commissioners

the original documents, letters-patent, tions, and remained there. Where etc., were transmitted to the planta- are they now?

took in hand, "broke open and perused." They made extracts from many of them, which they submitted to the Virginia court on July 11 following. These letters are said "to have made a map of the Colony's misery."

On July 3, it was proposed to the lord treasurer "that some Commissioners should be sent *into* Virginia, and that the present managers of the affairs of the Plantation should be dismissed from all further meddling with it, should there be a certificate from *these Commissioners* that lives and money had been negligently cast away there; and that the old adventurers should be invited to subscribe anew, and that none should have a voice in the Court save those who would underwrite £20 per annum for four years."

At the Trinity quarter court on July 5, 1623, Mr. Deputy Ferrar acquainted the court that he "had received a letter from his Majesty, sent unto him by a servant of Mr. Secretary Calvert's, with which letter having acquainted the Council for Virginia, they thought fit it should be first read before they proceeded to any other business;" whereupon the letter was opened and read, a copy of which is here given:—

"JAMES R. :—

"Right trusty and well beloved, we greet you well: forasmuch as we have appointed a commission to examine the present state of the Virginia plantation, with sundry other things and matters appertaining thereunto, and that we expect within these few days to have some accompt made us of their labours in that service, understanding that to-morrow, . . . you intend to hold a court for the said Company, our will and pleasure is that you forbear the election of any officers until to-morrow fortnight at the soonest, but to let those that be already remain as they are in the meantime. July 4th 1623."

It was directed "To our right trusty and well beloved—The Treasurer, Council and Company of Virginia." After

the letter was read, the court, being of opinion that their officers could only be chosen in quarter courts, it was resolved, "in obedience to his Majesty's letter to forbear their election, and to continue all their officers till the next quarter court," which would not be until November 29 following. The court then granted to the Earl of Southampton his *quietus est* for his "three years' accompts," and to Mr. Deputy Ferrar for the past year's account. Mr. Scott, Mr. Bland, Mr. Wheatley, and Mr. Berblock were added to his Majesty's Council for the Virginia Company. And the following patents were drawn up and approved: "To Mr. John Zouch; Mr. Edmund and John Prinn; Mr. Clement Dilke, and Mr. John Proctor, each of them undertaking to transport 100 persons with sufficient necessities and provisions for cultivating their own land."

Conway, in a letter to Calvert, written on July 5, expresses the hope that he has dispatched the affairs given him in charge, and that the Virginia business will be attended to. The commission had been examining the letters, etc., sent from Virginia in February, March, and April by sundry ships, as well as those persons who returned in the ships. They made extracts from these letters and evidences, which they sent to the king and to the Privy Council. Conway wrote to Calvert, on July 10, that the king wished the Privy Council to sit daily on the Virginia business until it was concluded. Secretary Calvert wrote to Deputy Ferrar that he with some others of the Virginia Company must attend the Privy Council at Whitehall, on the 10th, which they did. "Their Lordships told them that they had been informed by the private letters that came by the last ships from Virginia that his Majesty's subjects there were in a very great want and like to perish there, an abstract of which letters the Commissioners had presented unto them, which they caused to be read at the board; and thereupon commanded Deputy Farrar to call a Virginia Court the next day, and acquaint it with the report of the said letters by reading the abstracts unto them—

whereby, having informed themselves of the miserable estate of the Colony, they may consider how to send present supplies unto them, and to return an answer to the Privy Council." The Virginia court was called, and after the abstracts had been read, and after a serious consultation how to raise a supply, the following was written : —

" The humble aunswere of the Virginia Companie being assembled in a general Court held the 1st [11th, N. S.] of July 1623. To The Right honorable the Lords of his Ma^{ties} most Honorable Privy Councill.

" The Company having taken your Lordships commands into consideration, of speedie sending of supplies of victuall and provisions to Virginia, doe find that not only divers Hundreds wilbe supplied by their perticuler Adventurers, but also sundrie perticuler persons from their friends.

" And for a generall supplie they have had propositions of underwriting a large Magazine, but many difficulties arising herein they were not able to come to any conclusion this present day, the Court beinge verie thynn through the shortness of the warning and doe therefore humblie desire respite untill Friday [14th] next to consider and advise thereof that a large and full court may be assembled and the rest of the Adventurers acquainted therewith.

" But whereas there are divers persons indebted unto the Company upon subscriptions, which moneyes are long due and amount to a verie great sum, if it might please your Lordships that some speedie course might be taken to cause those that are so indebted to pay in their said sums there would be a verie valuable sum raised equally for the present as future occasions, which they humblie submit to your Lordships most honorable consideration."

On the same day Calvert wrote to Conway : " The Lords wonder at His Majesty's reproofs for being absent from Council, having attended diligently on the Virginia business." The next day (July 12) Lord President Mandeville

wrote to Conway : “ That his Majesty may see we have not been idle every day this week the Lords have sat in Council and a very fine Table. The Virginia Company on Monday last were charged to call their company together to acquaint them with the Letters we showed them that make a Map of the Colony’s misery and on Tuesday to bring us a resolute answer what money they had in stock and what present course they would take for the relieving of the colony there. For releevd they must be and that presently. *And for this time by the aid of the Company here.* Tuesday in the afternoon they returned [their answer and were given until the 14th for their final answer]. I have here sent a copy of a letter from Mr George Sandys to John Farrar of April 8 [18, N. S.] 1623 from Virginia. Some of the Company alledging to us as that his letters to the Company had reported to them no such miseries & necessities of the Colony. But his Majesty shall see how honestly and discreetly he writes and correspondently to the other letters,” etc.

At the Virginia court on Friday, July 14, Mr. Deputy Ferrar said “ that he had present their answer to the Privy Council on July 11th; but their Lordships seemed not to be well satisfied, and required the company’s present resolution, and willed them to consider and bring them a definite answer this day.” He then told the company what had been done in the premises, and presented two rolls.

I. “ *Voluntary supplies of particular societies or Hundreds, and private adventurers to be sent to their own people in Virginia,*” etc. : Richard Stephens, £300 ; Richard Tatom, £30 ; John Hart, £50 ; William Fellgate, £50 ; John Cuff, £60 ; Robert Godson, £80 ; Morris Thompson and Company, £70 ; Edmond Hacket, £60 ; James Carter, £60 ; Roland Truelove and Company, £400 ; John Procter, £50 ; “ I, John Smyth will supply my servants now in Virginia in Berkley Hundreth and such others as this next August I send over to encrease them to the sum of at least £100 ;” William Ewen, £100 ; Marmaduke

Raynor, £50 ; Robert Edwards and John Bland, £100 ; “ Mr. George Scot, Mr. Gabriel Barber, Mr. Copelande and Mr. Caswell promise and undertake to send supplies to Martin Hundreth the sune of £100 ;” James Gibbons, £100 ; (illegible) £40 ; the total amount being £1800.

II. “ *The second Roll to be sent by way of Joynt Stocke in Meale :*” Richard, Earl of Dorset, £100 ; William, Lord Cavendish, £100 ; Sir Edward Sackville, £77 ; Sir Edwin Sandys, £40 ; Sir Robert Killigrew, £40 ; Richard Tomlins, £20 ; John and Nicholas Ferrar, £100 ; Gabriel Barber, £100 ; Anthony Wyther, £20 ; William Caswell, £20 ; Thomas Viner, £30 ; Richard Baynam, £20 ; Richard Widows, £20, and Richard Stephens, £30. Total, £717.

Sir Edward Sackville then presented a third roll in open court, and requested that those who opposed the company would underwrite thereon something towards this general supply intended. Mr. Caswell was chosen for treasurer for the magazine to be sent to Virginia for relief of the company’s tenants. The court determined to draw up a short Declaration to be presented to the Privy Council, “ to shew that the fault of this supposed want in the Colony is not to be imputed to the present government of the Company here in England.”

In the afternoon Lord Cavendish, with the deputy and many others of the company, presented the two rolls to the Privy Council at Whitehall. Present: lord archbishop of Canterbury, lord treasurer, lord president, lord privy seal, lord steward, Lord Marquis of Hamilton, earl marshal, lord chamberlain, Earl of Carlisle, Lord Viscount Grandison, Lord Brook, Lord Chichester, Mr. Treasurer Edmonds, Mr. Comptroller Suckling, Mr Secretary Calvert, Mr. Chancellor of the Exchequer, and the master of the rolls. After reading the rolls and hearing the statements of Cavendish and Ferrar, “ Their Lordships finding it necessary for the supply of so general a want and the preventing of so imminent a danger, that there should be a common and general contribution made by all those who are any

way interested in that business, *Ordered* that the names of the whole Company, as well of those who have shares as of those who have had; and the several shares and Adventures shall be certified to the Board on Monday [17th] next in the afternoon; and that every man shall contribute to the present Relief proportionally according to their shares, not restraining any man's farther liberality to give what more he pleaseth.

“And to the end that the desire of private gain may not cross His Majesties Royall Intention and the Honorable care taken by the Board for ye Relief of His Majesties subjects there; their Lordships did expressly order & command that when the meal and other provision of victuals are brought thither they shall be sold at reasonable prices.”

The lord president, Mandeville (Montague), of the Privy Council wrote to Conway: “I did not think to have found the Company so forward in yealding to this, but it came quite willingly from them which makes me think they are willing to *hold their government*, that are so ready in theyre contributions. They have also yealded to restore Mr. Wrote to be again of the Company and Council as he was. The points of *misgovernment* on *both* sides are [have been] formally presented before the Commissioners. This you may be pleased to let his Majesty know. . . . What we do on the 17th you shall hereafter hear.” On which day the representatives of the company showed the Privy Council the difficulties in the way of carrying out their commands, and “upon further weighing of those reasons, then delivered against this course, their Lordships in fine were pleased to leave it to the Company to order the same by a general consent,” etc., and the Virginia court of July 19 took the matter in hand, opened several rolls for subscriptions, etc.

The Privy Council had not only been considering the matter of supplies for Virginia, but also a plan for bettering the government in Virginia, as well as the treatment of the request of the king contained in his letter of July 4 by the Virginia court of July 5. Conway wrote to Middle-

sex on July 13, "thanking him, in his majesty's name, for his efforts by strict examination to find whether the Virginia Company were so bound by their laws, etc, as that they could not put off the election in form as was required by his Majesty's letter, or whether that putting off as they have done were not the pretext to colour a wilfull breach of his Majesty's commandment. Further his Majesty's pleasure is that you give order to Mr. Attorney Generall by a judicious inspection into the foundation and limitations of the comission and their carriage and behaviour in it, to enquire whether *in like extremitie that they use to his Majesty, their comission* [charter] *be not voyd.*" On the 15th, Conway wrote to Lord President Mandeville that his Majesty wished to know the mind of the Privy Council on this question, and the next day Mandeville replied: "Concerning the deferring their election to a Quarter Court, and not for a fortnight's time as his Majesty's letter directed. We have been dilligent to find out, but perceive they have good colour to excuse contempt because their Letters Patents limites the choise of their principal officers to be at a Quarter Court."

Captain John Smith tells us in his history that he wrote "A briefe relation" to the "Commissioners for the reformation of Virginia," and that "out of these observations it pleased" them "to desire my answer to these seven Questions," etc. The motive of the "Relation" and of the "Answers" was to glorify Smith; to link his fame historically with the royal idea; to show that he alone (notwithstanding the bad management of others) had brought the colony to "so good a forwardness" under the king's form of government; that nothing but disaster had befallen the colony under the popular charters; and that the king ought to resume the government of the colony.¹ It is an epitome of Smith's history. I have found no other record of the incident.

The commissioners having examined the records of the

¹ See Arber's edition of Smith's Works, pp. 610-620.

company in England, as well as their clerk, their messenger, and the keeper of the house in which they held their meetings; the letters, etc., from Virginia, and having received statements from both parties, issued several orders, certificates, and reports prior to July 26. The abstracts, forms and copies of these which remain indicate that their decisions were more favorable to the Smythe than to the Sandys party. In their report on the recent state of the colony they had been more influenced by the letters that came into their hands, which were brought home in the last ships from Virginia, than by such evidences as Butler's Unmasking, etc.; as to which, however, these letters were rather confirmatory. Their certificate to the king was to the effect "that his subjects and people sent to inhabit there and to plant themselves in that country, were most of them by God's visitation, sickness of body, famine, and by massacres of them by the native savages of the land, dead and deceased, and those that were living of them lived in miserable and lamentable necessity and want; but the Country, for anything appered to the said commissioners to the contrary, they conceived to be fruitfull and healthfull, after our People had been sometime there; and that if industrie were used it would produce many staple and good commodities, though as yet the sixteen years government now past had yielded few or none; and that *this neglect they conceived, must fall on the Governors and Company here, who had power to direct the Plantations there*, and that the said Plantations are of great importance, and would, as they hoped, remain a lasting Monument of his Majesty's most gracious and happy government to all posterity, if the same were prosecuted to those ends for which they were first undertaken.

"And to that purpose, that *if his Majesties first Grant of April 10 [20, N. S.] 1606, and his Majesty's most prudent and princely Instructions [November, 1606] given in the beginning of the plantation for the direction of the affairs thereof, by thirteen councellors in Virginia, and as many in England, all nominated by his Majesty, had been*

pursued, much better effects had been produced, than had been by the alteration thereof, into so popular a course, and amongst so many hands as then it was, which had caused much contention and confusion." Wodenoth says that "when a noble person asked Judge Jones of the commission, how he that was sworn to the laws, durst own proceedings in that nature, his answer was openly, — *There was one law of the land, but another law of the King's commissions.*" In brief, their reports, as they were intended to do, increased the king's determination, "out of his great wisdom and depth of judgment, to *resume the government*, and to reduce that popular [republican] form so as to make it agree with the monarchical form which was held in the rest of his Royall Monarchie." It was simply the justification asked for by the king. The "neglect" was not due to the form of government. The severe death-rate among newcomers continued after the government was resumed by the crown.

The parties in the company had become very bitter. It was said that "they are grown so violent as Guelfs and Gebellines were not more animated one against the other." On July 26, at the Somers Islands court, while considering the reports of the commissioners, especially their order regarding the Somers Islands of July 18, "Sir Edwin Sandys fell foul upon the Earl of Warwick. The Lord Cavendish seconded Sandys, and the Earl told the Lord, by his favour, he believed he lied." The challenge passed and was accepted, the duel to take place on the Continent. July 29, the Privy Council ordered all ports of the kingdom to be watched so that they might not cross the Channel, and Cavendish was arrested in Essex or Sussex; but the Earl of Warwick in the disguise of a merchant got safely over, and was stayed at Ghent. Some days after this "the Earls of Essex and Warwick, feasted the Queen of Bohemia (Princess Elizabeth) in the English house at Delft, and the queen, the next day after, was delivered of her fifth son."

Lord President Mandeville sent the king, on July 12,

such "*Rules* for Bettering the government in Virginia hereafter" as were thought advisable by the Privy Council, and at the same time some "*Notes* offered by my Lord Chichester." July 15, Conway acknowledges their receipt; thanks Mandeville on behalf of the king for his careful attention to the businesses at the Council table. "And how well his Majestie likes of the accounts you have given him. He will take a time to consider of the *Rules* set down by the Lords, and the *Notes* offered by my Lord of Chichester. And his Majesty would be well pleased to hear how the Companie for Virginia will be provided to furnish and put in execution those *Rules* for better government." The next day Mandeville replied, "We are not yet gone so far with them as to know how they will be able or willing to put in execution those Rules for better government that his Majesty shall think good to sett them."

The Privy Council (twelve being present at the council-board) issued the following order on August 1: "Whereas his Majesty being graciously pleased to take into his royall care the State of the Plantation of Virginia and of the government thereof referred the same to the deliberation of their Lordships, who having considered thereof did accordingly make Report unto His Ma^{tie}.

"It is thought meet and ordered that the Lord Viscount Grandison, the Lord Carew and the Lord Chichester shall take the [*Rules* and] *Notes* hereto adjoined into particular consideration and out of them frame and set downe in writing such orders as they conceive to be fittest for the regulating of all things in Virginia and for the ordering of the government — and to present them [to the king and his Privy Council] to be received and advised on."

The Rules suggested for bettering the government in Virginia were: —

"1. Forts to be erected in places healthfull and best for safety and defence.

"2. Guest houses to be built for harboring sick men and receiving strangers.

“ 3. Townes & places for habitation to be seated near adjoining, that they may be a strength to one another and the strongest and fertile and wholesomest places to be chosen.

“ 4. Ships, Pinaces & Barges to be maintained at the comon charge and to be employed for trade, defence, and discoveries to the use of the publique.

“ 5. Provisions for necessary food to be cared for before matters of profit.

“ 6. The men to be devided into three parts, —

“ I. Some to be employed in publique workes, as building of store-houses for victuals, Places of strength, and such like.

“ II. Some in planting of corn, rootes & other fruit.

“ III. And some to be for strength & discoveries — and all that are thus employed for Public works to be maintained upon the public purse.

“ 7. None of the Natives to be taught to shoot in guns, or suffered to have any pieces, nor to be allowed to dwell in places between us and the Sea Coasts.

“ 8. Men of experience in government and able men of service, to be sent thither, and some that best know that country to be used for Comanders therein.

“ 9. Churches & Schools to be erected in fit places of best access.

“ 10. The King's Majesty or his Privy Council to be made acquainted with all matters of great importance concerning that Plantation — And their directions to be followed.

“ By former Letters Patents, the Councell here for Virginia were but *few*, and all were appointed by the King : and to be increased, altered or changed at the King's pleasure — and this Council nominated the Councillors of the Colonys and directed them as they thought good. Now these Councillors are made eligible by the Company out of the Adventurers. But their number should not be so great — and their Adventures should be greater that are chosen Councillors.”

I have not the Notes of Lord Chichester; but the following “Answer to ye propositions made by the Right Honorable ye Lord Chichester for ye better setting of the plantation in Virginia” will give an idea as to what they were: —

“1. The places antientlie best fortified were the Cities of Henrico and Charles which are now utterlie demolished by the Indians. And the fortifications about James Citie & Elizabeth Citie have been suffered by the Colony of late to grow to such decay that they are become of no strength or use. So that as to the first point the truth is That at this tyme there are no places fortified for defence or safetie for ye Access of shipping from the Sea and Boats upon the River.

“2. There are diverse small plantations all seated upon the river sides accessible by Boats, and before most of them ships of above 200 tons may ride. But ye plantations are far asunder their houses stand scattered one from another, and are onlie made of wood, few or none of them being framed houses, etc.

“3. The Cities of Henrico & Charles stood upon high ground. The Cliffs being steep but of a clay mould, the air good and wholesome. And good quantitie of cleared grounds; but all the land generallie is overgrown with great timber trees, so that there is little land fit for present culture but what by industry is cleared of ye wood either by the English or the Indians.

“4. The fortifications antientlie used were by Trench and Pallizado and diverse blockhouses made of great timber — built upon passages and for securing the Pallizados.

“5. The Lands where the towns are seated do not for ought is known afford stone for building nor limestone for mortar. But there are good store of shells about Elizabeth Citie which will make very good lime and may by water be easilie transported to the several plantations.

“6. In most places and particularlie about Henrico & Charles citie the Sods are very good to fortifie with all —

especiallie if they be cut in the sedgie ground which is so full of roots that it binds the earth close and keeps it from falling in pieces.

“7. It is very necessarie to raise new works.

“8. There is good store of earth fit to make brick almost in every place. And heretofore many Bricks hath been made in the countrie.

“9. This is a very good direction. And it would exceedingly both strengthen and beautifie the plantation if some convenient number of houses were built together of Brick and enclosed with a Brick wall that might deserve the name of a Towne: one of these at Henrico (which is the fittest place of all) and another at the place now called Charles Cittie.

“The 10th, 11th & 12th are so good and full directions as nothing can be added unto them, but only to be wished they were put in execution.

“13. It is most fit for his Majesty to appoint the cheif Governor, and if such Governor die then the Council there by pluralitie of voice to elect one to succeed him untill his Majesty's will be known either for confirming him that shalbe so chosen or for appointing some other.

“14. Those things may (if so it seem good to his Majesty) be left to the care of the Governor and Council here.

“The number of Counsellors here which his Majesty designes to be but 13 in all is feared will prove to be too few as experience shewed in the beginning of the plantation. There should be at least 25, to be continued and altered at the King's pleasure. It is most requisite (if so it seem good to his Majesty) that *a Commission be sent forthwith to discover the true estate of the plantation in Virginia,*” etc.

On August 2, Lord Cavendish and others reported to the Privy Council that the first two subscription rolls had been complied with, some of the provisions having been already sent by the Truelove and the Hopewell, the rest to be sent at once by the George, the Marmaduke, and the Jacob.

On August 5, Conway wrote to Mandeville that the king desired to know what was being done in the Virginia business. Two days thereafter Mandeville replied: "That number which count themselves as the Company are required to send there relief presently and to give up an account what be the provisions that they do send that it may appear to be a fit proportion for their necessities. Also Mr Attorney General is required to look into all their former patents and what is returned [reported] *by the last Commission* that his Majesty may upon just grounds determine [annul] the former [charter] and pass another as his Majesty shall think fit. And for preparation to a new and better form of government I have delivered to my Lord Grandison, my Lord Carew and my Lord Chichester *the three Lords appointed by his Majesty*. All those Notes and Directions given by his Majesty—The Rules set down by my Lords of the [Privy] Council for strengthening and governing of that place and *the return that the commissioners lately made* by which they may frame and advise suggestions fit to be presented to his Majesty."

The lords appointed to make suggestions to the king, and to aid him in framing his proposed new royal government for Virginia, had been instrumental in forming the royal government for Ireland, each of them having been interested in the plantation of Ulster. George, Lord Carew of Clopton, had served as president of Munster; Oliver St. John, Viscount Grandison, had served as lord deputy of Ireland; and Arthur, Lord Chichester, had held the same office.

On August 10, James I. received the following letter from his attorney-general and solicitor-general:—

"May it please your most excellent Ma^{tie} Wee received a signification of your Majesties pleasure from the Lords of your most honorable Privy Council touching points which concerne the Virginia Company.

"The one [was to see that the company complied with

their promises to the Council about sending supplies to Virginia and to tell them they would fail to do so at their peril. The deputy had sent them a statement, showing that the Truelove had sailed with £536 worth of provisions, and that the George would sail on the 14th with about £1500 worth more.]

“The other to take into our considerations the severall Letters Patents granted to that Company and *the Reports concerning the same lately made by your Majesties commissioners* and thereupon certifie our opinions to your Majesty concerning *the Resuming of that government*. [They had diligently complied and conceived that] your Majestie, if you so please may justly resume that government and order and dispose of it in such other manner as in your wisdom you shall find best for the good of the plantation.

“*But for the manner, because the resuming of the privileges in a legal course must be the work of time — and the distress of your Majesties subjects in that Colony (as seemeth by the Commissioners certificates) doth necessarily require more expedition.* [They suggest that the king, as in the case of the Merchant Adventurers, should by his royal proclamation command the forbearance of the execution of their letters patent, etc.] And that then if the Company shall not upon consideration of their own weakness *voluntarily yield up their privileges there may be a legal proceeding against them for calling in the same* [by law].

“But seeing it is your good pleasure not to avoyd the private interests of any of your subjects which have been Adventurers either in person or purse — We conceive and humbly offer it also to your Majesty’s judgment *that for avoyding the inconveniences which may ensue by suspension of the present government until a better be resolved on it will be fit that your Majestie first determine of that way which you shall think best to establish for the government of that Colony before you publish your intention*

by proclamation or otherwise. And then *at the same instant* your subjects may have knowledge both of the necessity of this alteration and of your grace to the adventurers in settling and upholding their private interests.

“All which we do most humbly submit to your own good pleasure and princely direction.

“Your Majesties most humble servants —

“THOMAS COVENTRYE.

“RO. HEATH.”

On August 16, Middlesex, in his letter to Conway referring to the above, says that “the King will now see his power to resume the government of the Virginia Company and resettling it for the public good — but suggests, as most of the Privy Council are out of town, that the Virginia Company should be allowed to go on quietly until after the Council meets about a month hence.” Conway replied on the 18th, accepting the suggestion.

The Virginia court of August 16 issued commissions to the following ships: the *George*, for transporting of passengers only; the *Hopewell* (John Hart, master), the *Jacob*, the *Marmaduke*, and the *Great Hopewell* (John Prynne, owner and master) for Virginia, and then for fishing voyages. The *Hopewell* was then ready to depart, and a general letter was prepared to be sent by her. These ships were to take the promised supplies to Virginia. The *George* and *Hopewell* left about the same time. The *Marmaduke* left about the last of September (after the 26th), the *Great Hopewell* in October, and the *Jacob* in November.

After the long vacation, on October 12, Conway wrote to Lord President Mandeville that “the King now wished him to proceed especially with the Virginia business and give him account thereof.” The next day Mandeville replied: “I have made no delaye in the pursuite of those businesses the King commanded and as by your letter I perceive he expects accompt of.

“This day I went to London and some of the Lords

met there, we having appointed the deputy of the Virginia Company there to be. But he came not, so as I have despatched another messenger to fetch him; for they say he is ten miles beyond Cambridge, and without this deputy, now in the absence of the Governor [the Earl of Southampton, who, as well as Sir Edwin Sandys, was then confined by order of the king], none of that Company will take anything upon them. Monday next [16th] in the morning the Lords have appointed to meet upon this business, and I have given warning that the Company is not to faile their attendance."

Deputy Ferrar again failed to meet the Privy Council on October 16; but, with some others of the company, he was present at Whitehall on the 18th, "when their Lordships first demanded an accompt of him whether the supplies of meal and other things (according to the underwriting formerly presented by them) were sent to Virginia for relief of their great necessities and distress." He replied "that he conceived that all things promised by the Company to their Lordships had been performed with a very large advantage."

"Afterward their Lordships propounded unto him some other very weighty propositions," which he requested might be drawn into an order of that board. This order is as follows:—

"Whitehall, the 18th October, 1623 — Present: — Lord Keeper, Lord President, *Lord Viscount Grandison*, *Lord Carew*, *Lord Chichester*,¹ Mr. Secretary Calvert, and the Master of the Rolls. — This day the Deputy and divers of the adventurers and Company of Virginia were called before this Board, unto whom their Lordships declared that his Majesty having taken into his princely consideration the distressed estate of that Colony, occasioned as it seemeth by *miscarriage of the government in that Company*, which

¹ These three — Grandison, Carew, and Chichester — had been the special committee who had aided the king in drafting the form of government now proposed to the company in lieu of their popular form.

cannot be well remedied but by reducing the government into the hands of a fewer number of Governours near to those that were in the First Patent of that plantation, but especially to be provided that the interests of all adventurers and private persons whatsoever shall be preserved and continued as they are, hath therefore resolved by a new Charter to appoint a Governor and twelve assistants, residents here in England, unto whom shall be committed the government of that Colony and Company, which Governor and his assistants his Majesty will be pleased to nominate and make choice of the first time; and afterwards the election of the Governor to be in this manner, viz^t: — The assistants to present the names of three to his Majesty of whom his Majesty will be pleased to nominate one to be Governor. And the assistants to be chosen by the greater part of the Governor's assistants for the time being; the names of them to be chosen being first presented to his Majesty or to this Board, to be allowed or disallowed by his Majesty. And the Governor and six of the assistants to be thus changed once in two years. And his Majesty is pleased that there shall be resident in Virginia a Governor and twelve assistants, to be nominated by the Governor and assistants here resident, they presenting their names to his Majesty or this Board, that his Majesty may allow or disallow of the same. And as the Governor and assistants resident in Virginia shall have dependance and relation with the Governor and assistants resident here, so the Governor and assistants here shall have relation and dependance on *this Board*, whereby all matters of importance may be directed by his Majesty [and his Privy Council] at *this Board*. And that in the same charter his Majesty purposeth to make the like grants as well of lands as of franchises and other benefits and things as were granted in the former charters, with declaration that for the settling and establishing of private interests of all men this new Company shall confirm or newly grant unto them the like interest as they enjoy by grant, order or allowance of the former Company.

“ And therefore the said Deputy and other of the said Company were by their Lordships required to assemble a court on Wednesday [25th] next therein to resolve whether the Company will be content to submit and surrender their former Charters and accept of a new Charter, with the alterations above mentioned, and to return their Answer with all expedition to this Board, his Majesty being determined, in default of such submission, to proceed for the recalling of the said former charters in such sort as shall be just.”

On the same day the Privy Council ordered Sir William Jones and the other commissioners to resume and continue the examination of the state of the plantations.

The order of the Privy Council was read to the Virginia court on October 25 and fully debated. Only eight of those present were willing to surrender their charter as requested; and the following answer was resolved on: “ The Company for Virginia, being assembled according to your Lordships command, and having understood your Lordships order containing a proposition for the giving up of their Charters, conceive it in divers respects to be of such great weight and consequence as by special limitation of their Letters-patents is restrained only to the determination of a quarter-court. Wherefore as also in regard there was not assembled above one hundred and twenty persons, whereas, besides the new Adventurers and Planters in Virginia (which all are equally interested), his Majesty’s Letters-patents are granted to above one thousand persons of higher and inferior rank by their particular names, and, also, unto threescore Companies of the City of London and other corporate towns therein mentioned. The Company then assembled most humbly beseech your Lordships to give them respite until the next quarter-court the 29th of November, which is the soonest time the said letters-patents gives them power to make further answer therein, and against which more general summons shall be given.”

This answer was presented to the Privy Council on Octo-

ber 27, by Nicholas Ferrar and others. Peckard (pp. 121–126) gives an abstract of Ferrar's appeal to the Council at this time, which was along the same lines as "the answer of the company." Being called to the upper end of the council-table he addressed himself with all humility to the lords, asking them whether either in law or equity a portion of the company could give up the patent without the previous consent of all the rest of the members, adventurers and planters, "who were all included in the grant, and who all upon the encouragement, and promised protection of the King, under the Great Seal of England, and the pledge of his royal word and honour, adventured their estates, and many of them even their lives in this the greatest and most honourable undertaking in which England had ever been engaged." He represented also the great good which, in numberless sources of wealth and strength, would by means of this corporation, and through the encouragement of their care, by the blessing of God, shortly accrue to this nation. He contended that the twentieth part of no company could legally deliver up the liberties and privileges, the rights, and the property of the other nineteen parts, and this "was what the Company now assembled, must refuse as a thing unjust, and not feasible for them to do." The answer of the company and the speech of Ferrar were received with favor by the Earl of Pembroke and the Marquis of Hamilton; but the majority of the lords [Council] were ill pleased with them, considering their object to be "merely dilatory," and immediately issued a peremptory order to the company to meet on the 30th in the afternoon and "to deliver a final answer."

In Mandeville's report of this to Conway, he says that he had explained "that his Majestie intended to change only the frame of the government for the good of the people, but to have every private man's interests preserved and to be secured if defective. Their answer was so ill pleasing to my Lords that with reproof we have sent them back and peremptorily prefixed unto them to bring us a direct answer

on Monday next, when if they shall not offer the yealding up of that Patent then Mr Attorney-General is directed to take a course for revoking of it."

On the 29th, Conway thanks Mandeville in behalf of the king for attending to the affairs of the Virginia Company.

At the Virginia court of October 30 the question of surrendering their charters was again submitted and there was "a very hot debate" thereon between Thomas Keightley (one of the auditors of the company) and William Canning. After voting, the following answer was drawn up in presence of the court, and, being read, was generally approved and ordered to be delivered to the Privy Council in the name of the company: "The Company of Virginia being assembled the 30th of October, according to your Lordships' command, and the Deputy having put to the question your Lordships' proposition in the direct words that your Lordships commanded, there were only nine hands for the delivering up of the Charters, and all the rest (being about three-score more) were of a contrary opinion."

The records give the names of sixty of those present and add, "with divers others to the number of 70." "Of the nyne that held up their hands to surrender the Patent these were observed — Sir Sam Argall, Sir Thomas Wroth [the only knights present; no peers were present], Captaine Jo: Martin, Mr Canning, Mr. Woodall, Martin [Martian?] the Armeanian, and Molasco the Polander — doubtfull whither they [the last two] ought to have voice. The other two that held up their hands are not certainly known." They were Edward Palavicine and William Mease, as shown by the depositions in the case of Keightley *vs.* Canning, which also show that Captain John Smith was present, and (as his books also show) favored yielding the charter; but he had no voice, as he was no longer a planter, and the £9 paid in by him was short of a full share as an adventurer.

The answer, with explanations, was at once presented to the Privy Council, whereupon they issued the following, which explains itself: —

“ At Whitehall, the 30th of October, 1623 — Present : — Lord Archbishop of Canterbury, Lord Keeper, Lord Treasurer, Lord President, Lord Privy Seal, Earl Marshall, Lord Viscount Grandison, Lord Chichester, Mr. Secretary Calvert, and the Master of the Rolls. Whereas their Lordships were this day informed that there is a great discouragement amongst many adventurers of the plantation in Virginia, by reason of the intended reforming and change of the Government; whereupon they are fearful to prosecute their adventures so as it may concern some stop of those ships that are now ready freighted and bound for that Country; although their Lordships marvell that any should be so far mistaken, considering the declarations which have been made at the Board *viva voce*, as also by an Act of Council and otherwise. Yet for the better satisfying of those who either through error of mistaking, or through the untrue suggestion of others, have conceived any such fear or discouragement, their Lordships do hereby think fit again to declare that there is no other intention than meerly and only *the reforming and change of the present government*, whereof his Majesty has seen so many bad effects as will be to the endangering of the whole plantation, if it continue as it is. Nevertheless, forasmuch as concerneth the private interest of any man, his Majesty's royal care is such that no man shall receive any prejudice, but shall have his estate wholly and fully conserved, and if in anything they be defective better to be secured, so as they need not apprehend any such fears or other inconvenience, but contrariwise, cheerfully to proceed. It is therefore ordered by their Lordships, and thought fit to be published to the Company, that it is his Majesty's absolute command that the ships which were intended to be sent at this time to Virginia and are in some readiness to go, be sent away with all speed for the relief of those that be there, and the good of that plantation, and this to be presently done without stop or delay.”

This order was read in the Virginia court which met

November 1, and the court ordered that public notice of this his Majesty's pleasure should be given accordingly to all such masters and owners of ships as were known to have any ships preparing to go to Virginia.

On November 3, the Privy Council appointed Captain John Harvey, John Pory, Abraham Peirse, and Samuel Matthews, gentlemen, to be sent as their commissioners to Virginia, to make particular and diligent inquiry concerning the present state of the colony. Pory was especially commissioned to publish throughout Virginia the orders from the Privy Council of July 14, October 18 and 30. This Council also wrote a letter to the governor and Council in Virginia requiring them to yield to the commissioners their best aid upon all occasions.

These commissioners were all interested in Virginia. Captain John Harvey bought three shares in Virginia from William Lytton, Esq., on November 23, 1620, and had previously been to the colony. He was captain and probably owner of the Southampton, a ship commissioned by the court of July 19, 1623, to carry passengers and goods to Virginia. She sailed from England in November, with Harvey, Pory, and thirty emigrants for Virginia.

Although the present governing party in the Virginia Company was opposed by the king and a majority of his Privy Council, it had some friends in the Council, and very many among the Commons. It was necessary for the king to proceed with discretion, and the object of the royal commission in Virginia, as had been with the royal commission in England, was to find additional cause to justify the king in his determination to resume the government of the colony.

The royal commissioners in England had made a searching inquiry into the management of the movement from the first. They heard and read the charges and counter-charges (made in person and in writing) of each party. They found that some disasters might have been prevented if the officials had had a foreknowledge; that other disas-

ters could not have been prevented by any knowledge of those days; and others could not have been prevented by any knowledge as yet revealed to man. But there was no real culpable mismanagement of any great consequence proven against either administration of the company, and no evil consequences for which the popular form of government could really be held responsible. "Many days and weeks of the inquisition or persecution discovered no unworthinesse against them, or any other of their consorts."

In 1609 the managers of the movement had condemned the king's form of government as being a principal cause of the troubles in Virginia during 1607–1609. The king was naturally easily convinced that the popular government had caused the troubles since 1609, and that his form must have been wrongly condemned. The idea that the colony had been brought to a good state of forwardness under his government ("without one ray of popular rights") — the good effects of which had been subsequently destroyed by the popular government¹ — conformed to the king's wishes; but it was a mere pretext to justify him in his determination to resume the government of the colony and company. The authentic manuscript records, as well as the evidence (still preserved) which was submitted to this commission, really prove that the colony did not prosper under the crown, but that it was finally established under the popular charters, which kindled the rays of popular rights that are now shining for us.

¹ The popular form of government had been instituted in Virginia during the administration of Sir Thomas Smythe. The parties in the company had originated in disputes over business matters, auditing accounts, the magazine, the tobacco contracts, etc., and not in opposition to the popular charters. It came to pass that some members of the opposition party, in order to accomplish their object, were finally willing to surrender the charters to the crown; but a review of

subsequent events will show that the popular ideas continued to obtain in the minds of members of both parties. While Sir John Danvers, the right-hand man of Sir Edwin Sandys, was one of the regicides, it was Sir Thomas Wroth, a leader of the opposition party in the company, who made the celebrated motion in Parliament "to lay the King [Charles I.] by, and to settle the Kingdom without him," and the Earl of Warwick himself became "a Parliament man."

There were so many members of the Virginia Company that there must have been various ideas prevailing among them ; but from the first many of the foremost managers had been inspired by an earnest desire "to establish a more free government in Virginia." The Smythe administration did not exclude any Protestant body from the new nation which they were planting in the new world, and the Sandys party wishing especially to lay the foundation on the basis of civil and religious liberty were evidently anxious to welcome all Protestants. Roman Catholics, however, were excluded not only because the chief managers of the movement were of the Church of England, but also because the Church of Rome was naturally antagonistic to the free government of the reformers, which was the model of Sir Edwin Sandys. The reformed religion required a reformation of governments, and reformers were protesting against the old oppressive forms of government as well as of religion. The issue is still existing, and the victory of the one side will be the defeat of the other. Was our foundation laid sufficiently broad to bear both parties, and strong enough to resist the full shock of the contest? If not, what will be the result of our Armageddon?

X

VIRGINIA, SEPTEMBER, 1623 — MAY, 1624

SIR FRANCIS WYATT, GOVERNOR

ON September 10 the governor issued a proclamation warning Virginians “to be careful of the Indian’s Treachery.”

The Bonny Bess, of ninety tons, belonging to Mr. Gabriel Barber, left England in May with sixty persons and arrived in September with supplies for the colony, for Berkeley plantation, etc.; letters from the Privy Council of England “counseling that peace and harmony among themselves which becometh the undertakers of such an action, the subjects of such a King and the possessors of our Religion;” and from the company in England to the governor and Council in Virginia, with no allusions to the divisions in the company, mainly devoted to business matters, and telling them that the tobacco contract made last summer by the company had been dissolved, and that the king was now proposing to grant “a sole importation of tobacco to the two plantations (Va. and S. I.), with an exception only of 40,000 weight of ye best Spanish tobacco to be yearly brought in.” This letter had been submitted to the Privy Council and was signed by members of both parties in the company. Anthony Hilton, in a letter to his mother, Mrs. Elizabeth Hilton, says that after landing in Virginia the ship was to go on to explore Hudson River. And “if we there find any strangers as Hollanders, or others which is thought this year do adventure there, we are to give them fight, and spoil and sink them down into the sea, which to do we are well provided with a lusty ship

(90 tons), stout seamen, and great ordnance. I pray God prosper us therein."

John Ferrar said that his brother Nicholas was accused before the Privy Council with having "drawn up and sent to the Governor and plantation of Virginia certain dangerous instructions, and inflammatory letters of advice, directing them how they should conduct themselves in standing to their patent, and exhorting them that they should never give their consent to let it be delivered up." Ferrar does not give the date, and it is not certain whether his brother was accused of sending these things by the Bonny Bess, or by the Southampton, which did not arrive until the following March; but it is certain that notwithstanding the fact that the Privy Council warned all parties that no knowledge of the controversy and divisions in the company should be sent to the colony by any one, as it might breed a bad effect in the plantation, this ship brought privately a full account of it from the Sandys party in England, including a copy of (III.) Butler's "Unmasking," at which the officials in Virginia were much offended. Owing to their natural resentment at this unmasking, to the changed condition in Virginia from the want of the fall of 1622 to the plenty of the fall of 1623, and to other causes, the letters between the officials in Virginia and the managers in England now came to a better accord.

As soon as the knowledge of the great want in Virginia became known in England steps were at once taken to supply the colonists. The George, a ship of 180 tons, sailed about August 14, with 241 hogsheads of victuals and other necessary provisions, shipped by divers private adventurers, namely:—

	Tons	Hhds.
" Mr Cheasley sendeth provisions	1 $\frac{1}{2}$	6
Mr Edmond Hacketh "	2	8
Mr Perry "	2 $\frac{1}{3}$	9
Mr Prichard "	3 $\frac{3}{4}$	15
Mr Felgate & Mr Tatum "	4 $\frac{1}{4}$	29

	Tons	Hhds.
Morrice Thompson sendeth provisions	1 $\frac{1}{3}$	5
Mr Richard Stevens “	5 $\frac{1}{4}$	21
Mr George Swinhowe “	$\frac{1}{2}$	2
Mr James Gibbons “	7 $\frac{3}{4}$	29
Mr White “	2 $\frac{1}{2}$	9
Mr Covell sendeth provisions of { Meal, Butter, Cheese, &c }	7	28
Mr Wentworth sendeth	4	16
Mr Nicholls “	3	12
Mr Edmond Barker “	2 $\frac{3}{4}$	11
Mr Douse “	2 $\frac{1}{4}$	9
Mr Pierce “		2
Mr John Pollington “	2	8
Mr Wm. Ewens “	5	20

“As for ye 70 planters & passengers they are not counted in this number, they carrying besides large provisions for themselves & ye people they carry with them. There is also carried for the magazine £200 worth of meal — so that the supplies sent by this ship are worth about £1500.” These supplies reached Virginia in October, “when the fruits of their Hort-yards, Gardens, and early crops were beginning to serve them.”

The Hopewell, of 60 tons, John Hart, master and “Cape merchant for the meal,” commissioned to go to Virginia, and then to fish, left England in August, 1623, with 15 emigrants, about £500 worth of meal and other provisions, and with a general letter from the company to the governor, and arrived late in the same year. The letter¹ says: “Touching the Comission we have nothing, the proceedings therein not having yet come to any conclusion that we know of. [They had made their report to the king in July; but it was not to be made public until the meeting of the Privy Council in the fall.] We dont doubt but it will conduce to the advancement of the plantation according to the Royal intention of his Majesty declared in the

¹ Randolph MSS., p. 173, in Virginia Historical Society Library.

institution thereof. We are deeply touched with the mortality, scarcity and uncomfortableness among you of which we had notice from the Lords of the Privy Council [who had intercepted the letters, etc.] For the relief of scarcity his Majesty was very solicitous whereupon we got up a subscription of £700 to be sent in meal (other commodities you have even to a superfluity); for which meal we expect a just retribution. Tobacco clears here but 20^d per pound which we desire all may know that we may be freed from the unjust taxations of oppressions in selling meal in Virginia at 30 shillings per Bushel — that is 10 lbs tobacco, and we are certain our meal cost us 12 shillings per Bushel. We desire your care in seeing us paid as soon as possible. For our former supplies we are £2.000 sterling behind which is a great discouragement. The adventurers of the Maids desire our recommendation to you of that business desiring their pay. The Fur adventurers by the wickedness of the Captain and Mariners are quite overthrown. We desire your especial care in the Glass and Shipwrights (which last business was the most expensive we ever undertook) and to make us quick retribution. Except you fall upon other comodities than Tobacco you may not expect a subsistence. We hope you have got a good entrance into Silk and Vines, and we expect some returns — or it will be a discredit to us and to you and give room to the maligners of the Plantation. Encourage the Frenchmen to stay, if not forever, at least 'till they have taught our people their skill in silk and vines. Nine men sent to make Iron by a Bloomery are to be assisted by private persons who shall have shares, or by the Company's tenants; seat them at Martin's Hundred or some more commodious place, and choose a director for them. The passengers had been more but for a disparagement of the plantation, therefore take good care of these. We approve of driving away your enemies by a lawful and just policy. Send no more Sassafras. Proceed on the Fort. Don't think it long e'er we send tenants for the Governor's and Treasurer's lands;

it is difficult to do but hope to accomplish it next Spring. Let the profits of the tenants belonging to Capt Thomas Nuce's place be given to his virtuous widow this year," etc. "Given in a great and General Court held for Virginia August 16, 1623, and ordered to be sent in the name of the Company to the Governor and Council of State in Virginia."

The planters in Virginia constantly complained of the prices for commodities fixed by the company. As to Mr. Hart, they said that he charged for a bushel of meal nine pounds of tobacco, for which their price was three shillings per pound, — that is, twenty-seven shillings per bushel, when it cost in England less than seven shillings. The company replied: "Tobacco only worth 18*d* pr lb. and meal cost, including freight etc. over 13*s* per bushel," etc.

Late in March, 1623, Captain Samuel Jordan, of "Jordan's Journey," died. Three or four days thereafter, the Rev. Grivell Pooley came to see Captain Isaac Madison touching a match with Mrs. Jordan, and entreated Madison to move the matter to her. "At first Madison was unwilling to meddle in any such business, but being urged finally consented. And broached the subject to Mrs Jordan, who replied that she would as willingly have Mr Pooley as any other, but she would not marry any man until she was delivered." This was all that a man in his mind ought to have asked; but Pooley could not wait, and soon went to see her himself. He reported to Captain Madison that he had contracted himself unto her, and desired Madison to go with him and be a witness to it. Madison went with him, and when "Mr Pooley desired a dram, Mrs Jordan desired her servant to fetch it; but Pooley said he would have it of her fetching or not at all. Then she went into a room; Madison and Pooley followed her; and when Mr. Pooley was come to her he told her he should contract himself unto her — and spake these words — 'I Grivell Pooley take thee Sysley, to my wedded wife, to have & to hold, till death us do part, and thereto, I plight thee my troth.'

Then (holding *her* by the hand) *he* spake these words, ‘I Sysley take thee Grivell to my wedded husband to have and to hold till death us do part.’ But Madison heard not her say any of those words, nor that M^r Pooley asked her whether she did consent to those words; then M^r Pooley and she dranke each to other, and he kissed her, and spake these words, ‘I am thine and thou art mine, till death us separate.’ Mrs Jordan then desired that it might not be revealed that she did so soon bestow her love after her husband’s death, whereupon M^r Pooley protested before God that he would not reveal it till she thought the time fitting.” He failed to keep his promise, however, and told of his good luck. Mrs. Jordan resented this, then contracted herself to Mr. William Ferrar (the brother of the deputy-treasurers, John and Nicholas Ferrar), before the governor and Council, disavowing the former contract and affirming the latter. On June 14, Mr. Pooley “called her into court,” and instituted against her the first breach of promise suit in English America. The case came up before “the Council of State” (the court): Governor Wyatt, Sir George Yeardley, Mr. George Sandys, Roger Smith, Ralph Hamor, and Mr. John Pountis. They were unable to decide, however, and continued it to November 27, when Mrs. Mary Madison and her servant John Harris were examined before the governor and Secretary Davison. Neither of these witnesses was present at the supposed contracting, but both had heard Mrs. Jordan say that “Mr. Pooley might have fared the better had he not revealed it.” “The Council in Virginia (not knowing how to decide so nice a difference, our devines not taking upon them pressily to determine whether it bee a formal and legall contract) referred the case to the Company in England desiring the resolution of the civil Lawyers thereon and a speedy return thereof.” And to prevent the like in the future the court issued the following proclamation: “Whereas, to the great contempt of the majesty of God and ill example to others, certain women within this Colony have, of late, contrary to

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the laws ecclesiastical of the realm of England, contracted themselves to two several men at one time, whereby much trouble doth grow between parties, and the Governor and Council of State much disquieted: To prevent the like offense to others, it is by the Governor and Council ordered in Court that every minister give notice in his church, to his parishioners, that what man or woman soever shall use any words or speech tending to the contract of marriage though not right and legal, yet may so entangle and breed struggle in their consciences, shall for the third offense undergo either corporal punishment, or the punishment by fine, or otherwise, according to the guilt of the persons so offending."

Captain Francis West, as I have stated, arrived in Virginia prior to April 9, 1623, and in May or June went to the northward, under the commission from the New England Council, to expel interlopers from New England waters; "but he could do no good of them, for they were too strong for him, and he found the fishermen to be stubborn fellows. . . . So they went from hence to Virginia." He left Virginia again in July, and arrived in New England in August. "In September the same ship and company being discharged by him at Damarins Cove came to New Plymouth, where upon our earnest inquiry after the state of Virginia since that bloody slaughter committed by the Indians upon our friends and countrymen, the whole ship's company agreed that upon all occasion they chased the Indians to and fro, insomuch as they sued daily unto the English for peace, who for the present would not admit of any, that Sir George Early [Yeardley] was at that present employed upon service against them." Edward Winslow sailed from New Plymouth on the *Ann*, September 20, 1623. At the Virginia court of November 22, 1623, "Mr Deputy acquainted the court with the good news sent from Virginia by the ships lately returned from New England (where a pinnace from Virginia arrived before they came away and brought divers particular letters that do import

thus much, namely, that the Colony in Virginia have recovered health ; that they were in hopes to have a plentiful harvest of corn and tobacco ; that Oppochanchano is slain and, as some affirm 150 of his great men, and that our English were then going out again to pursue the rest of them and to destroy their corn)." Deputy Ferrar also told the court of the letters from Virginia, brought by these ships via New England, which were in the hands of the commissioners. The letters from the governor and Council in Virginia to the Earl of Southampton, of June 24, and from D. Canne to John Delbridge, of July 12, have been preserved. The New England records show that the *Ann*, of 140 tons, left England in May ; arrived in New England in July, and returned September 20. The Virginia records show that the *Ann*, of 40 tons, left England in May, with 25 persons, for Virginia, and arrived there in August. I suppose these references to be to the same ship, and that the difference in the tonnage is an error of one record or the other. There was a more or less constant intercourse between Virginia and New England ; but the records are incomplete, and as the Virginians persisted in calling " New England " " Canada," there is some confusion.

Captain Robert Gorges, who had been sent as lieutenant-general of New England ; Captain Francis West, admiral ; Christopher Levett, governor of Plymouth ; David Thompson, and two of the colony of New Plymouth, who had been made councilors, met at Piscataqua (where David Thompson had recently planted a colony) in October, 1623, took their oaths, and, it is said, organized a government for New England for the first time. The Rev. William Morrell, of the Church of England, was commissioned to superintend the establishment of that church throughout New England. Captain Gorges' ship, the *Katharine*, having some passengers for Virginia, sailed there in November or December, 1623, and it is possible that Captain Francis West returned on her, as he was in Virginia in January, 1624.

Rev. Francis Bolton was the minister on the eastern shore, and on December 1, when Governor Wyatt was on the following expedition, he issued an order to Captain William Epes, the commander of that plantation, requiring him to collect for the minister's salary ten pounds of tobacco and one bushel of corn from every planter and tradesman above the age of sixteen and alive at the gathering of the crops, throughout all the plantations on the eastern shore. I take these to be the usual (tax or tithe) rates at that time.

“November 28th 1623. The Governor being going to settle a trade with the Savages in the Bay comissionates the Council to execute all his Authorities.”

“As soon as our corn was ripe the Governor set forward to the river of Potomack to settle the trade with our friends and to revenge the treachery of the Pascoticons [Anacostans] and their associatts being the greatest people in those parts of Virginia, who had cutt off Capt. Spillman and Mr Pountis his Pinnacle: in which expedition, he put many to the sword, and burnt their houses with a marveilous quantity of corn carried by them so far into the woods that it was not possible to bring it to our boats. The maine reason that invited the Governor unto that river was an agreement made the last year by Mr. Treasurer Sandys with the Potomacks our auncient Allies (of whom great numbers were murdered by those nations) not only to assist us in that revenge, but to accompany us and be our guides in a war against the Pamunkes, which would have been very advantageous to us; but the unseasonableness of the weather had detained the expedition so long that the necessities of the country enforced the Governor to leave his chiefe intention for Pamunkie. It is no small difficulty to maintain a war with people dependant on their own labors for their support; the chief time of doing the enemy most spoil being at our busiest season. And whereas we are advised by you [the Virginia Company in England] to observe rules of justice with these barbarous and perfidious enemyes; we hold

nothing unjust (except breach of faith) that may tend to their ruine. Stratagems were ever allowed against all enemies; but with these neither faire warre nor good quarter is ever to be held. Nor is there other hope of their subversion, whoever may informe you to the contrary."

The general letter from Virginia does not mention the act; but a ship leaving Virginia about this time carried the news to England that the English (upon a treaty with the natives for peace and good quarter) had poisoned a great many of them. Dr. John Potts was said to have been the chief actor in it and was very much blamed in England therefor.

The following three ships arrived not long before February, 1624: —

The William and John, fifty tons, commissioned to go to Virginia in February, 1623, went via Flushing in the spring, taking "victual to the value of £500" for trade, and six emigrants. She left England before the open rupture in the company.

The God's Gift, eighty tons, Mr. Bennet's ship, Mr. Clare, master, left England in June, with twelve emigrants, after the open rupture (but before the return of the Abigail), with about forty-six hogsheads of pease, meal, and oatmeal, going via the Somers Islands.

The Truelove, forty-six tons, James Carter, master, commissioned to go to Virginia, then a fishing voyage, left England in July, with twenty-five emigrants, after the return of the Abigail with the news of the scarcity in Virginia, taking about 100 hogsheads of provisions, valued at £536, for the plantation of the Truelove society, and for the colony.

Owing to various delays, these ships did not reach Virginia until after harvest, and they found the colony well supplied with provisions, "but very skant of powder and shot."

Secretary Christopher Davison died between December 1, 1623, and February, 1624. Edward Sharpless, who had been his clerk, became acting secretary.

The officials in Virginia, taking Johnson's Petition and Butler's Unmasking (copies of which had been sent to them from England) as reflections upon themselves, resented those papers as bitterly as the officials in England had done, and ever since the arrival of the Bonny Bess in September, 1623, they had been preparing their answers to them, "taking the matter in hand in their *general courts*, and afterwards in their *General Assembly*."

The governor issued warrants for summoning a General Assembly on February 5. Three days thereafter the governor and Council of Virginia wrote a general letter to the Virginia Company telling them of affairs in Virginia; of the wars with the Indians; they blame the "pestered condition" of the ships for the deaths of the newcomers, "the ould planters considering the accidents living as long here as in most parts of England;" they urge the company to diminish the planting of tobacco by paying the colonist eight shillings a bushel for corn; they had "at all times bent their endeavours to the furthering of those staple commodities, which you have given us in charge,"—iron-works, vines, silk, glass-works, shipwrights, etc. They thank the king for "his gracious intention of restreyning the sole importation of Tobacco to the two Colonies," and for the meal. "And we hope notwithstanding the mallice of our virulent traducers, to approve ourselves in our actions not unworthie the continuance of his favor." They also thank the Privy Council for their care. They handle Captain Nathaniel Butler without gloves, "but we will refer his unmasking of Virginia to a particular unmasking of him by the General Assembly, in as much as concerns the Countre, and by ourselves in the slanders that concerne our government." They state that the General Assembly "has been already summoned."

"When we wrote in June 1623, the colony was then truly in health; but soon after the general sickness came on, great numbers fell down in many places, and we were obliged to discontinue the work on the fort; but hope that the General Assembly will take steps to proceed therein.

"Thus referring other things to our next letter which shall be written after the General Assembly; beseeching God to free both you and us from the malice of our adversaries, and to give his blessing to our endeavours and sufferings."

"FRANCIS WYATT.

"FRANCIS WEST.

"GEORGE YEARDLEY.

"GEORGE SANDYS.

"JOHN POTT.

"ROGER SMITH."

"On Feb'y 12th Governor Wyatt wrote a letter to the company briefly relating the manner of proceeding against the Savages in divers places and by what commanders the service was performed; and hopeth that in the General Assembly now called in Virginia some good order will be taken to maintain an army for securing of the whole Colony."

"On Feby 26th two Burgesses were elected out of every plantation by the major part of voices." On the same day "A List of the Living in Virginia,"¹ and of those "who died there between April 1623 and Feb'y 1624," was taken. Copies of these lists, of the general letters of February 8 and 9, of Wyatt's letter of February 12, of the papers in Pooley's case, etc., were now sent to England by the George. The planters, John Boyle, Richard Brewster, Henry Wentworth, William Perry (who carried an Indian boy with him), William Best, and others, went over at the same time with complaints against the officials in Virginia, which they presented to the king about April 18.

The General Assembly met about February 29, and at once undertook their answers to (II.) Alderman Johnson's Petition and (III.) Butler's Unmasking, and completed and signed them on February 20, 1623.
March 1, 1624. The answers to both were addressed to the king: —

¹ This list contains the names of about 1170 emigrants; but the number is evidently exaggerated. Thirty-four names are repeated, and it con-

tains a good many names of those who were dead. There were certainly less than 1100 emigrants then living in the colony.

(A) "The Answer of the General Assembly in Virginia to the Declaration of the state of the colony [II.] in the twelve years of Sir Thomas Smythe's government, exhibited by Alderman Johnson and others (generally called 'The Tragical Relation')," is signed by Francis Wyatt, George Sandys, Samuel Matthews, Clement Dilke, J. Pountis, Jabez Whitaker, Luke Boys, John Pott, Edward Blayney (or Blaine), John Utie, Thomas Morlet (or Marloe), Nicolas Marlier (or Martian), John Chewe, Richard Stephens, John Wilcocks, and John Southerne, who "affirmed it to be true;" and by Francis West, William Peirce, William Tucker, George Yeardley, Samuel Sharpe, Ralph Hamor, Henry Watkins, Isaac Madison, Richard Biggs, Richard Kingsmill, Nathaniel Causey, John Pollington, Robert Adams, Gabriel Holland, and Raleigh Crashawe, "eye witnesses or resident within in the country when every particular written was effected." Total, 31 signatures.

(B) The answer to "an Information presented unto your Majestie [III.] by Captaine Nathaniel Butler, intituled 'The Unmasking of Virginia,'" has 34 signatures, the same as the above, save that John Southerne fails to sign, while it contains the additional signatures of Roger Smith, Nathaniel Bass, Isaac Chaplain, and Thomas Harries. It must be noted that I am giving these names from the copies of these papers sent to England. I infer from Stith's "History of Virginia" (pages 304-312) and Neill's "Virginia Company" (page 411), that Francis West and George Yeardley did not sign "The Tragical Relation," while Roger Smith did, the total signatures being 30. And the different copies of the papers themselves differ in many words and sentences.

Three days after these answers were signed the Southampton, 180 tons, arrived (on March 4) with a commission to Captain John Harvey, John Pory, Abraham Peirsey, and Samuel Matthews (John Jefferson was also named in the commission; but he was probably the "Captain Jefferson," then on the Great Hopewell, which had not arrived in Vir-

ginia), "to make an exact information of the present state of the Plantation in divers points."

Harvey and Pory found men's "mynds fully possessed." "They were met in a Generall Assembly, the first fruites whereof, were most bitter invectives in the highest pitche of spleen and detraction against the twelve yeares government of Sir Thomas Smith and in answer to Mr. Alderman Jonson and Captain Butler."

On March 5, Harvey delivered to the General Assembly the letter and order from the Privy Council of November 3, 1623. And Pory "published" therein, according to the orders given him, the orders¹ of the Privy Council of July 14 (relative to supplies for Virginia), of October 18 (to surrendering their charter, the king's resuming the government, etc.), and of October 30 (to changing the present form of government, etc.). While there could be no reasonable objection to the commissioners obtaining exact information, these last two orders read by Pory (who was the first speaker of the first General Assembly) were antagonistic to the form of government to the judgment and consideration of which they were now presented. They contained no provision for a House of Burgesses nor a General Assembly. The voice of the people was not heard in them. The popular charters were to be surrendered, and the whole government ("the Governor and his Assistants") was to be at the disposal of the king. They must have been more objectionable to the General Assembly than the papers which they had just answered; but circumstances made it necessary for them to be very wary in their replies. They determined to ignore the commissioners and to address themselves in reply directly to the king and to his Privy Council. Their Petition (C) to the king and Letter to the Privy Council (D) were ready on March 10. The Petition (C) is outlined in Stith's "History of Virginia" (pages 312, 313). There were 29 signers, and there was

¹ These important orders will be found given in full in the English chapters of this book.

inclosed therein "*A Briefe Declaration* [E] of the Plantation of Virginia during the first twelve yeares, when Sir Thomas Smith was governor of the Companie, & downe to this present Tyme. By the Ancient Planters now remaining alive in Virginia." This Declaration (E) is not signed; but it is indorsed "Read in General Assembly and fully approved."¹

Their Letter to the Privy Council (D) is also extracted from by Stith (pages 313–315). They write, "We have in due submission to your Lordships published your orders sent over by Mr. Pory, whereby we understand his Majesties intention in changing the Government of this Colony: we are ignorant of the dangers and ruynes that might have befallen us by the continuance of the former," etc. They "humblie desire that the Governors that are sent over may not have *absolute authority*. We desire that the Governor may be restrayned as formerly to the consent of his *Counsell*, which *tytle* we desire may be retayned to the honor of this Plantation and not converted to the name of his *Assistants*."

"*But above all* we humbly intreat your Lordships that we may retaine *the Libertie of our Generall Assemblie*, than which nothing can more conduce to our satisfaction or the publique utilitie." There are 30 signatures to this letter, including Samuel Matthews. He had signed the two answers of March 1 before receiving his commission; but this noble letter is the only one of these papers signed by him after he became a commissioner.

Having waited a week after publishing the orders in the General Assembly, without hearing from them thereon, on March 12 the commissioners (Harvey, Pory, Peirse, and Matthews) wrote "to the Right worpⁿ S^r Francis Wyatt, Knight, governor & Capt Generall of Virginia and to the Right Worpⁿ and others of the Generall Assemblie," calling their attention to the long delay, and inclosing a form

¹ *Senate Document* (extra). *Colonial Records of Virginia*. Richmond, 1874. pp. 69–83.

to be subscribed by the General Assembly, submitting themselves to the "King's princely pleasure of revoking the ould Pattents and of vouchsafeing his Majesties new Letters pattents" for instituting another "forme of Government, whereby his worke may be upheld and better prosper in time to come."

On the same day Captain John Harvey, of the commission, asked the General Assembly for answers to the "four propositions which will be referred to hereafter."

The governor, Council, and General Assembly replied at once to the letter from the commissioners (returning "the form to be subscribed *unsigned*"), and saying: "We have presented our humblest thanks [C and E] *to his sacred Majestie* for his gracious and tender care over us and have returned our answers [D] (in due submission) *to their Lordships Letters and Orders*."

"When our consent to the surrender of the Pattents, shalbe required, will be the most proper time to make reply: in the mean time wee conceive his Majesties intention of changing the government hath proceeded from much misinformation, which we hope may be allowed upon our more faithful declarations."

"Since we conceive not how this last proposition [for surrendering their patent, etc.] hath had ground from any instructions which we have yet seen. We desire that before the General Assemblie be dissolved (which will be to-morrow) you will shew us the depth of your Authority: or otherwise to sett it downe under your hands that you have no further Commission or Instructions, which may concern us as you have already professed."

To this letter the commissioners replied, the next day, as follows: —

"Yesterday at the delivery of our papers, we acknowledged that we had neither Commission nor Instructions to move [you] to subscribe to that forme of subscription and thankfulnes to his Majestie which then we presented."

Neither can so much as a shadow of any such thing be collected out of our Letter, or motion therein enclosed. What we propounded was out of our discretion by way of Counsell for the good of this Plantation; not precipitate nor sudden, but proper to the time, occasion and Company. And the marke aimed at, was no less than his Majesties favor upon our persons and common cause to be obteyned by obedience and thankfulness. Now as there needed neither Commission nor instruction for us to propound the practice of so eminent a duty, so it is lawfull and free for us being free men and Planters to offer to the Generall Assemblie any reasonable motion thought of even of farr less consequence. And therefore had you not been content to have given us an answer you might have seemed to us discontent or discourteous.

“Neither upon this occasion have you reason to search into the depth of our Authority (seeing our yesterdays motion dependeth not nor needs to depend upon our particular Commission) much less to urge us to set down anything under our hands.

“Nor can we profess that we have no further Commission which may concern you, than that we have already put in execution for our Commission yet unperformed concerneth you in your persons, servants, corne, Cattle, Arms, houses, etc.

“Nor need you suspect that we will attempt anything to the wrong of any man, or which we cannot very well answer, so we rest —

“The same as formerly,

“JOHN HARVEY

“James Citty

“JOHN PORY

“March $\frac{3}{13}$ 162 $\frac{3}{4}$

“ABRAHAM PERSEY

“SAMUELL MATHEWES.”

The Assembly made no written reply to this. What is given as their reply by Stith (page 318) was written the day before. But before being dissolved, to enable the com-

missioners to take a view of the exact state of the colony, the Assembly ordered that the several plantations should transport them from plantation to plantation, as they should desire.

(F) Their answers to Harvey's four propositions were as follows : —

“ 1. *What places in the country are best or most proper to be fortified or mainteyned against Indians, or other enemies that may come by Sea ?*¹

“ Pointe Comfort is of most use but great charge and difficultie. Warriscoyake where the fortification was intended more effectual to secure the places above it. From Wyanoke Marish upwards there are divers places which may peremptorily command Shippinge or Boates. The best against the Indians, and most of use for the future increase of plentie, is the runninge of a pale from Martin's Hundred to Cheskacke, which is not above five miles ; and planting upon both Rivers. The river of Pamunkey beinge also more defensible against a forrein enymie.

“ 2. *How the Colony now stands in respect of the Savages ?*

“ The termes betwixt us and them are irreconciliable : the charge of draweing [driving ?] them awaye which would reduce us to a better estate then we were in before the Massacre is so great as it is too weighty for us to support, though hitherto we have done whatsoever was possible for our means and numbers to effect. An enemy from whom there is no spoil to be expected ; the advantage of the woods and nimbleness of their heels prevents execution : the harmes that they do us is by ambushes and sudden incursions, where they see their advantages, we never since the massacre having lost one man in any expedition against them. The inconveniencies that we receive from them are of farre more consequence ; we have not the safe range of the Country for increase of Cattle, Swyne, etc. ; nor for the game and fowle which the country affords in great

¹ A war with Spain was threatened.

plentye ; besides our duties to watch and warde to secure ourselves and labor are as hard and chargeable as if the enemy were at all tymes present.

“ 3. *What hopes may truly and really be conceived of this Plantation ?*

“ We hould it to be one of the goodlyest partes of the Earth, aboundinge with navigable Rivers (full of variety of fish and fowl) falling from high and steep mountains which by the general relation of the Indians are rich with mines of Gold, Silver and Copper. Another Sea lyeing within sixe days jorney beyond them into which other Rivers descende. The soyle fruitfull and apt to produce the best sorts of Commodities — replenished with many trees for severall uses, gummes, dyes, earths and simples of admirable virtue. Vines and Mulberry trees growing wilde in great quantities, the woods full of deer, Turkies, and other beasts and birds for more particular relation we refer you to the Reportes¹ of Sir Thomas Gates, and Sir Thomas Dale made unto the Company, conceiving those praises no way hyperbolical, nor any Country more worthie of a Prince's care and supportance.

“ 4. *Which be the directest means to attain to these hopes ?*

“ The way to attain to these hopes : is to have a runninge [army ?²] continually a foote to keep the Indians from setting on any place that is neere us — to send over numbers of people to arrive here about the Prime of Winter with provisions of Cattle and with full provisions for themselves for at least a year, in the mean time they to fall only upon the planting of Vines and Mulberry trees — and to send men over that are expert in those faculties, to plant gardens and orchards, and such things as are useful for the sustenance of man's life — to raise the price of tobacco by the sole importation, and reducing the customs to the Rate of the Letters Pattents. And when the Country shalbe blessed with plenty of such provisions, and multitude of

¹ These Reports have not been found.

² The word is not legible.

people — then to proceede in the discovery of the Wealth of the Mountains and Comodities of the Seas that are credibly reported to be beyond them.

“A care must be had that ships come not over pestered, and that they may be well used at sea with that plenty and goodnes of dyet as is promised in England but seldom performed; that when they first come they fall to building of good and convenient houses, and bring men over for that purpose: that for the first year they only endeavour themselves to the planting of corn, to the making of gardens, to the choosing and inclosing of fit places for their Cattle, and to the planting only of so much tobacco as may serve to sustain them in necessary clothing for the succeeding year. A proportion of Mault they should also bring over to make themselves beer, that *the sudden drinking of water*¹ cause not too great alteration in their bodyes: that they should imploye themselves to the planting of English graine, that thereby we may have the hopes of two harvests [wheat in the summer and corn in the fall]. And that such numbers may be seated together as may be able to secure themselves, and to make good such a part of the Country as they may have free and secure range for the sustenance and increase of their Cattle. This done we do not doubt but in convenient tyme to purchase to his Majestie a rich and flourishinge Kingdome.” Signed by Governor Wyatt and thirty others.

On March 12, Wyatt wrote that he would dissolve the General Assembly on the next day; but as (G) the Laws and Orders concluded on were not signed until March 15, it was probably dissolved on that day. These laws are printed in Hening's “Statutes at Large . . . of Virginia,”² and they speak well for their makers. They reached England too late for ratification by the courts of the Virginia Company, but most of them were again passed by subsequent general assemblies. One of the most important

¹ It should be noted that in those days the English seldom drank water; their drink being ale, beer, etc.

² Vol. i. pp. 121–129.

articles is the "8th That the Governor shall not lay any taxes or impositions upon the Colony, their lands or commodities, other way than by the authority of the General Assembly, to be levyed and imployed as the said Assembly shall appoynt."

The 22d of March (O. S.), the anniversary of the massacre, was to be observed as a holiday.

"The old planters that were here before or came in at the last coming of Sir Thomas Gates they and their posterity" were to be granted certain privileges.¹

The 35th and last article was as follows: "That Mr. John Pountis, counsellor of State, going to England (being willing by our intreatie to accept of that imployment,) to sollicite the general cause of the Country to his Majesty and the [Privy] Counsell — towards the charges of which voyage, the country consente to pay for every male head above sixteen years of age then living, which have been here a year, four pounds of the best merchantable tobacco, in leafe, at or before the last of October next." The copy (G) sent to England is signed by Francis Wyatt, governor, Francis West, George Yeardley, George Sandys, John Pott, Roger Smith, Ralph Hamor, and John Pountis, of the Council of State, and the following members of the House of Burgesses: —

From the Incorporation of Henrico: for the College Plantation, Thomas Morlett and Gabriel Holland.

From the Incorporation of Charles City: for the Neck of Land, Luke Boys and Thomas Harris; West and Sherlow Hundred, Isaac Madison and Richard Biggs; Jordan's Journey, Nathaniel Causey; Chaplain's Choice, Isaac Chaplain; Westover, Samuel Sharpe.

From the Incorporation of James City: Jamestown, Wm. Pierce, Clement Dilke, Richard Stephens, Edw. Blayne (or Blaine), and John Southerne; James Island, Rob-

¹ This Act was reenacted by general assemblies in 1632, 1643, 1658, and 1662. These "old planters" were thus officially and repeatedly acknowledged to be the founders of the new commonwealth.

ert Adams; the Neck of Land, Richard Kingsmill; "Ye Plantations over against James Citty," Edward Grindon (the other burgess from this plantation, Samuel Matthews, one of the commissioners, did not sign these articles); Hog Island, John Utie and John Chew; Warraskoyack, John Pollington; Basse's Choice, Nathaniel Basse (in some of the copies this name is written Basset).

From the Incorporation of Elizabeth City: for Elizabeth City, Wm. Tucker and Nicholas Martian (Martieu, Marlier, etc.); Elizabeth City beyond Hampton River, Jabez Whitaker and Raleigh (or Rawley) Crashaw.

From the Eastern Shore: John Wilcocks and Henry Watkins.

It seems, from Hening, that the paper preserved in the colony was not signed by Isaac Madison, Samuel Sharpe, or Edward Grindon. The seven documents gotten up by this General Assembly are signed by 36 different persons, all of whom, save Matthews, signed the aforesaid (G) Laws, Orders, or Articles, and 21 of whom signed all six of the signed documents, — the whole number being composed of the governor, 7 members of the Council, and 28 members of the House of Burgesses. But, if as stated, "two burgesses were *elected* out of every plantation," not all of them were signers, for there were no signers from some plantations, and only one from others. This fact, and the embassy of Richard Brewster, William Perry, and others to England, is an evidence that Harvey was correct in stating that there were two parties in the colony.

There are many noble sentiments in these papers sent from the Assembly of Virginia to the crown in England, but several of them are marred by an attack on the former administration. They are not unfavorable to Yeardley, who was the only former governor among the signers; but if there was any just cause for blame in the premises, many of the signers were really as culpable as the officials in England, and the questions at issue pertained to the present and future of the colony rather than the past. Since

July, 1623, it had been settled by "the powers that be" that the government of the colony and company should be resumed by the king; and the chief questions, so far as the crown was concerned, were (1) as to the present condition of the plantation; (2) as to whether the colony would yield up their charter willingly; and (3) as to the terms of the proposed new charter.

The following ships arrived in Virginia in the spring of 1624: the *Return*, 40 tons; the *Due Return*, of Lynn, 60 to 80 tons, captain and owner, E. Tutchin, who died, leaving the charge of the vessel to his brother Simon Tuchin, or Tutchin; the *Jacob*, 80 tons, John Fells, master; the *Great Hopewell*, 120 tons, John Prynne, owner and master (reached St. Christopher's, in the West Indies, in February); the *Marmaduke*, 80 to 100 tons, John Dennis, master (left England in September, 1623, with 30 emigrants, came by the West Indies, the usual route, and arrived in Virginia probably late in March). These ships all had victuals, etc., for the colonists or for trade; and they were all commissioned to make a voyage to Virginia, and thence a fishing voyage to "Canada" (New England).

Mr. John Harrison, at the custom-house, sent his brother George Harrison in Virginia four menservants by the *Marmaduke* (one of whom remained in the West Indies), and an invoice of goods, etc., amounting to over £100, including meal, oatmeal, pease, cheese, suet, etc., vinegar, oil, aqua vitæ, etc. (no coffee nor tea, as they had not come into general use); sugar, cloves, mace, ginger, pepper, cinnamon, nuts, etc.; felling-axes, handsaws, hatchets, augers, "chissells," hammers, bills, drawing-knives, broad hoes, narrow hoes, nails, etc.; canvas and kersey suits, Monmouth caps, shirts, bands, and shoes for servants, Irish stockings, knit stockings, boots, shoes, "hats and bands," bands, cuffs, Holland cloth, etc.; armors, swords, powder, "hail shott," pistol and goose shot, etc.; "one long fowling peece of five foote and halfe in the barrell — marked with an Iron on the end with G. H.: two short gunns of four foote and

an halfe marked in the same manner and with the same mark, all three in list cases." "For books purchased for himself £1 14s. 0d."

When these goods arrived at Jamestown, George Harrison was sick at his plantation near Martin's Brandon, "yet at length he recovered some strength and coming from his plantation to James cittie [to see about his goods], there was some words of discontent past between him and Mr. Richard Stephens [merchant], with some blowes. 8 or 10 days after Mr Harrison sent a challenge to Stephens to meet him in a place, which was made mention of, and there, they meeting to-gether it so fell out that Mr Harrison received a cut in the leg which did somewhat grieve him and 14 days after he departed this life. Being hurt in the field there was a crowners quest went upon him. The Doctor and Chirgions did open his bodie upon the Juries request and they found it very fowle. They did affirm that he could not have lived long and that he dyed not of the hurt which he had received. For it was but a small cut between the garter and his knee." By his will he made Mr. George Menefie his "overseer," and his brother, John Harrison, his executor.

Late in April and early in May, the *Furtherance* and two other ships left Virginia for England. Mr. John Pountis left, on the *Furtherance*, about April 27, taking with him a general letter from the governor and Council in Virginia to the company in England; copies of the seven documents¹ prepared by the General Assembly (March 1-15, A-G); duplicates of several documents previously sent by the *George*, etc.

John Pory sailed a week later, with the reports from the commission in Virginia for the commission in England, and the *Lady Wyatt* returned with him. His reports were given in to the commission, and, I suppose, have all been

¹ There were three sets of these Privy Council, sent by Pory. As will papers: one, retained for the colony; be seen hereafter, the Pountis set has one, sent to the company by Pountis; been preserved. and the other, "attained unto" for the

lost with the rest. But he carried a letter from Captain John Harvey (who remained in Virginia to carry out more fully the commission) to Sir Nathaniel Rich, which has been preserved. Harvey writes: "I and my friends appointed have done our utmost endeavors for searching out the truth in answer to those commands which the Lords of his Majesty's Privy Counsell were pleased to send unto us: and do find the persons here to be more in number and provisions of victualls to be more plentiful than we expected, after the massacre and so great a mortality both of men and cattle. But there is great want of Ammunition, and divers solitary plantations too slenderly peopled to avoyd the vigilancy of so subtile and nimble an enemy, whereby and by the stupid securitie of our nation, it is to be feared that in summer time when the corn and weeds are growne high, there will be much mischief done, as the Attempts of the Indians in these two months of March and April, (*a bead-roll whereof sent to their Lordships,*¹ *Mr Pory will shew you*) do shrewdly prognosticate. Otherwise were the Indians driven of from infesting our people and cattle, as with no great forces in 2 or 3 yeares they might be, then the Plantation with good Government would undoubtedly flourish. [He goes on to tell of the various acts (A-G) of the Assembly.] *The copies wherof we have attained unto* for your and their Lordships better information, and we doe hope they will come to your hands before the delivery of the Originalls by Mr Pountes, the messenger of the General Assemblie. . . . Longer I need not trouble your patience through the hand of so understanding and well-furnisht a messenger. In this countreye I remain till my ship's return from Canada [New England coast], after which time, if God keep me alive, having been wintered and summered here, you shall know my opinion of the place to the full. So desiring to be remembered in all humble manner to my most honorable good Lord the Earl of Warwick, I rest."

¹ This was delivered to the Privy Council, and has not been found.

After Pory's departure, it leaked out that he had "attained unto" copies of the documents (sent by Pountis) from the acting secretary, Edward Sharpless. It was a question if the commissioners were not entitled to copies of these documents; but for this Sharpless was tried by a court on May 20, "and sentenced to stand in the Pillory, and there to have his Ears nailed to it, and cut off." And he was only "set in the Pillorie, and lost a piece of one of his ears, though his sentence was to loose them both." The governor and Council afterwards wrote to the company to inform them of these things, but the company had been discontinued when their letter reached England, and it came to the hands of the king, when "his Majestie became highlie incensed against them for punishing Sharpless."

John Sotherne succeeded Sharpless as acting secretary.

The report of the royal commission in Virginia sent by Pory has not been found, but from notes found among the papers of Sir Nathaniel Rich it seems that it concluded: "Out of all which by the blessing of Almighty God may his Majesty's wisdom extract such conclusions as will enable him to bring the colony in a few years to the flourishing estate of a *Kingdom* which will yield his Royal Majestie both honour and revenue." Under the company the colony had come to be regarded as a *commonwealth*, and in after years Virginia was sometimes called "the old commonwealth."

XI

ENGLAND, NOVEMBER, 1623—JUNE, 1624

HENRY, EARL OF SOUTHAMPTON, TREASURER; NICHOLAS
FERRAR, DEPUTY-TREASURER

NOVEMBER 17, 1623, the royal commissioners for Virginia issued the following warrant:

“The right honorable the Lords of his Majesty’s Privie Council having referred sundry petitions to us concerning Virginia for examination whereof we shall have necessary use of the wrytings that remayne in a truncke locked up under the custody of some one of the Clerkes of the Council — We therefore desyre the now Clerk of the Council waiting that the said trunk and key thereof may be delivered to this messenger attending for this busynes, to the end we may return answer of the said petitions to their honorable Lordships.

“HY: SPILLER

“FRAS: GOFTON.

“WILLM PITT.

“RD: SUTTON.”

“HENRY BOURGEHIER.”

Among these petitions were those of Molasco the Polander, the widow Smalley, etc.

The Virginia Company had virtually refused to surrender their charters voluntarily, and the case had been placed in the hands of Attorney-General Coventry, who prepared a *quo warranto* against the company, the tenor of which was to know by what warrant (authority) they claimed to be a company, and to have and use those liberties and privileges which are related in the said *quo warranto*, etc. On Tuesday, November 22, Mr. Deputy Ferrar acquainted

the Virginia court that since Monday last (14th or 21st?) himself and divers members of the company had been served process out of the King's Bench, by virtue of a *quo warranto*; of which Ferrar presented two copies in court, the one in Latin and the other in English. Whereupon the company desired that the one in English might be read. Which being done, "the Company conceiving and acknowledging this manner of proceeding to be fair and with much favour [?] from his Majesty, desired the defendants named in the instrument to take especial care of the business as being the Company's cause, although presented by particular names, their charter being called in question, they conceive was therefore to be pleaded." "The employing of attorneys, etc., to be left to the choice and care of the said defendants, and the charge of the suit to be borne out of the Company's general stock." The members of the company who were willing to surrender the charter protested "against contesting with the King about the government," against this suit, and against this manner of meeting the expense thereof.

On November 29, the Michaelmas quarter court of the Virginia Company met. As the *quo warranto* course had been taken, the majority of the court judged it too late for them to act on the former proposition touching the surrendering of their charters, and therefore they took no direct vote thereon. But they ordered that the proceedings "of the former Courts touching the *not* surrendering up of their charters should be *ratified* and *confirmed*; that the grand committee, formerly appointed should direct all matters requisite and appertaining to the suit;" and Deputy Nicholas Ferrar was authorized "to summon them at all times or such part of them as he should think meet."

During the debate, Samuel Wrote, Esq., offered to the consideration of the company: "First, whether their said charters did not contain some things derogating from *the King's prerogative*; secondly, whether upon a strict examination there might not be found matter sufficient to shew

wherein they had made a forfeiture ; and, lastly, whether, if they should stand out in suit with the King, they were able, without his gracious favour and assistance, to subsist and make good that great action of upholding and advancing the plantations." To this it was replied "that the Company did not doubt but on a full and right information of their proceedings his Majesty would be pleased to let them have his gracious favour in more ample manner than ever." As a matter of fact their only hope was in Parliament, and they were looking forward to that.

"A motion was likewise made that the Lords of the Council might be humbly petitioned by the Company for restoring their books and writings," and this was done. The election of officers was again put off to the next quarter court. The letter from the governor and Council in Virginia, of June 24, was read. Twenty shares of land, old adventure, in Virginia were confirmed by the court to the Earl of Southampton ; the same to Sir Edwin Sandys, and the same to Mr. John Ferrar. A commission was sealed to William Peirce, master of the Return, of 100 tons, bound for Virginia. The records give the names of 78 of those present.

On December 1, the Privy Council issued the following order : "The Board being made acquainted by Mr Attorney Generall that whereas a *Quo Warranto* was issued out of the King's Bench against the Company of Virginia for the questioning of their charters and thereupon a rule given for the said Company to make their answers by Christmas Eve next. And that the said Company pretend they cannot make perfect answer thereunto without the sight and use of all their Books and writings as have been by them formerly delivered into the hands of his Majesties Commissioners appointed for the examination of the business concerning the Virginia and Somer Islands Companies.

"Their Lordships having considered thereof did think fit and accordingly order that all the foresaid Books and Writings whether remayning in the hands of the Commis-

sioners or elsewhere shalbe forthwith delivered by *Inventorie* unto the said Company."

Those who were willing to surrender the charters "according to his Majesty's express will and pleasure" were not willing that the charge of defending them against the *quo warranto* should be borne by the public stock of the company; they petitioned the Privy Council accordingly. On December 18, their petition was read at the board, and it was "ordered that all they who are questioned in the said *Quo Warranto* shall make their defence at their own particular charge without any help, or dispensing any part of the public stock in that case. And that such as are willing to surrender shall be discharged from all contribution towards the expense of the said suit, both in their persons and their goods."

I have not found the record of this *quo warranto* suit in the King's Bench. King James had regarded the colonial movement with peculiar favor from the first. He was regarded (and was evidently proud of being so regarded) as the founder of the English colonies. He had encouraged those engaged in establishing them by granting them his letters patent, and from time to time the especial lands, liberties, privileges, and powers which they asked for. But the plantation in Virginia had now become an established colony,—his fifth kingdom of constantly increasing importance. It was not to be supposed that he would longer allow this "Nursery of Parliamentary spirits, obnoxious to monarchicall government," this republican community resting solely on his own warrant, to triumph (if he could prevent it) in a suit involving his royal prerogative, in the capital of his kingdom, to breed dissatisfaction with the form of government which obtained in the rest of his royal monarchy. The result of the suit between the company and the crown was a foregone conclusion from the first. Many felt that their personal and property rights and the future of the colony were more secure under the crown than under the company which derived its own rights only

from the crown. More than two thirds of the company had ceased to attend the Virginia courts. But many members of the party prosecuting the suit were men of advanced ideas in the matter of self-government, — civil and religious liberty, — anxious to put them into execution by founding a new nation based thereon; and they were willing to defend their rights before “the King’s bench,” for even if they failed to win their suit they would thus plant their ideas the more firmly in the public mind, where they would continue to grow until they bore fruit.

Early in January, 1624, a ship arrived from Virginia with the news that the English there had poisoned a great many Indians, for which they were very much blamed. And the Privy Council ordered the company “to seize upon all the letters, as well public as private, that come in the said ship,” and to bring them unopened to the Council board.

During the controversy in the Virginia courts (October 30) over the surrendering of the company charters, William Canning and Thomas Keightley had a hot debate. Canning “was in favor of giving in the Charter, and not to contest with the King about the Government;” while Keightley was said to have stated in the debate “that it was neither just nor honest to deliver up the Patent,” and “that the Court could not either by Law or conscience consent to the delivery up of their Patent.” The debate then became personal, “Keightley foretelling what would be the opinion of the Court. Canning told him he was no God. K. replied: If I were a God, I *would* punish you for I know what you are. C. then called him Knave, and said I *will* punish you. And on the morrow meeting him on the Exchange did there call him Knave, and did both thrust and violently strike him.” For which Keightley brought an action against him for £500, and had him arrested. Canning then appealed to the Privy Council, and on December 18, 1623, the Council referred the matter to Attorney-General Coventry, who reported thereon

on January 18, 1624. The witnesses for Canning were Sir Thomas Wroth, Sir Samuel Argall, Edward Palavicine, John Woodall, Rev. William Mease, Captain John Smith, and Albertus Molasco.

Those for Keightley were Nicholas Buckeridge, John Sparrow, Edmund Hackett, Thomas Sheppard, John Strange, George Clarke, Robert Edwards, John Cuffe, and William Watson. Each man's witnesses were of his own party, and in their evidence each party contradicted the other flatly. Owing to "this strange contradiction of so manie witnesses directing their testimonies to one perticuler time & place," Coventry was not able to certify to the Privy Council "what was the truth touching the pointe." And, to add to his confusion, Keightley took particular exception to all of Canning's witnesses, save Sir Samuel Argall and Edward Palavicine, while Canning took exception to all of Keightley's save Mr. Sheppard.

In order to get Sandys (who had been confined to his house) entirely out of his way, the king, in December, 1623, determined to send him as one of a special commission to Ireland; but a Parliament having been decided on, and Sandys being elected a member from Kent,¹ it was deemed unwise not to allow him to remain in England to take his seat. Late in 1623 or early in 1624 Sir Thomas Smythe was "confirmed governor of the Somers Islands Company by the King's letter." This being regarded as "a usurpation," the matter was brought before the Virginia court of January 24, and after much dispute between Mr. Anthony Withers of the Sandys party and Mr. Richard Edwards of the Smythe party, "it was by divers held unfit to meddle with any new proposition, *but to reserve all to the Parliament now at hand.*" And they at once began to outline

¹ The tenure of villanage, so frequent in the olden time in other parts of England, was utterly unknown in Kent, the bodies of all Kentish persons being of free condition, "inso-much that it is holden sufficient for

one to avoid the objection of bondage to say that his father was born in Kent." *A man of Kent* and *men of Kent* are old English proverbs for a *free man* and *brave men*.

their line of defense. "A motion was made and referred to the consideration of the grand committee, to think on some cause for moving his Majesty's commissioners that they would please to certify and make some report to the Lords of the Council, what they have done in the several businesses brought before them by the Virginia Company and their opposers, that it may appear to what heads and issue they have brought the same, assuring themselves that thereby the fairness and justice of the Company's proceedings would be manifest to all the world." The grand committee was also requested to move the commissioners to make Sir Thomas Smythe "shew sufficient cause than by his answer he had done for their claims against his accmpts," etc.

At the preparative court, on February 12, Captain John Martin (the differences between the company and him being now well composed) received from the court a letter commending him to the governor and Council in Virginia and requesting them to aid him in his suits against Sir George Yeardley. On the previous 29th of December, Martin had received a similar indorsation and recommendation from the Privy Council.

At the quarter court, on February 14, the records give the names of seventy-six of those who were present; but there were no peers nor knights among them. The court granted his *quietus est* to Deputy Nicholas Ferrar for his accounts, and gave him, his heirs, and assigns forever, twenty shares of land, old adventure, in Virginia. The requests of January 24 to the grand committee were repeated by this court. The commissioners had really made private or secret reports to the Privy Council repeatedly.

Prince Charles and the Duke of Buckingham returned from Spain in October, 1623, having failed to consummate the Spanish match. The Parliament which had been summoned for February 22, 1624, was put off till the 26th, and then postponed for three days (on account of the death of the king's old friend and kinsman, the Duke of Lenox),

when it met. Ambassadors were sent to England from the Netherlands, in February, to obtain the coöperation of England in upholding the Dutch West India Company, and resisting the fleet of fifty ships which Spain was providing for the purpose of crushing the company in its infancy, and to consider what aid should be promised from the Netherlands in case England went to war with Spain. It was proposed to form an English association for the West Indies either in coalition with or independent of the Dutch West India Company. It was reported in England that the Spaniards would at once attack the Bermudas. Sir Benjamin Rudyerd, in his speech before Parliament, "commended the proposed Association for the West Indies and wished to have it regulated and established *by Act of Parliament*. He said that what made the King of Spain so powerful? It was his Mines in the West Indies, which minister fuel to feed his vast ambitious desire of Universall Monarchy, and they should endeavour to cut him up at the root, and supplant him in the West Indies."

Bacon's notes for a speech "concerning a war with Spain" were prepared at this time. And in his "Considerations touching a war with Spain," he says that "the greatness of Spain is built upon four pillars. 1. A veteran army. 2. A profession of the Catholics in all parts. 3. The Treasure of the [West] Indies. 4. *The strait alliance of the House of Austria*, which is possessed of the Empire."

Attorney-General Heath prepared a memorandum for the king on the subject, in which he states that "the West Indies have been for many years *the support of the House of Austria* & thence hath the fewell been taken that hath set this part of Europe on fire." He advises his Majesty to interpose himself openly or underhand. "*The first* of these ways seemeth to be less safe, both because the times are not so seasonable for great undertakings and a stander by cannot well judge howe your Majesty's affaires stand in conjuncture with Spain." "The second way" was in line with the diplomacy of the time. "If some of experience

& quality & well fitted for such an enterprise, *quasi aliud agentes* will either enterprise somewhat of themselves — or else shall offer themselves to join with the Hollanders, to join their forces & take their fortunes with them. If it take not success it is done of their own heads — it is but the attempt of private gentlemen — the state suffers no loss — no disreputation. If it take success, they are your subjects — they do it for your service — they will lay all at your Majesty's feet and interest your Majesty therein. So may you share with the Hollanders your neighbours in their treasure & trade," etc. This same idea had obtained in the colonial movement.

James I. declared war against Spain on March 20. The Earl of Southampton, the treasurer of the Virginia Company, was released from confinement, and received an appointment as colonel (of troops to be sent [abroad] to Holland) prior to April 18, and was commissioned before May 17. On May 1, ten of the most distinguished soldiers of the period were appointed by James I. as his council of war, namely: Oliver Lord Viscount Grandison,¹ George Lord Carew,¹ Fulke Lord Brooke, Arthur Lord Chichester,¹ Sir Edward Conway, Sir Edward Cecil, Sir Horace Vere, Sir Robert Mansell, Sir John Ogle, and Sir Thomas Button.

Edward Nicholas wrote from London, on March 22, to John Nicholas, "that a ship had recently arrived from Virginia, which reported the welfare of the people, but that they were still at enmity with the Natives."

From March 28 to April 30 inclusive Parliament was not in session.

John Boyle, Richard Brewster, Henry Wentworth, William Perry, William Best, and other planters lately come from Virginia, presented a petition to the king in behalf of themselves "and others the poor planters in Virginia," asking him for the encouragement of the planters, and

¹ Grandison, Carew, and Chichester composed the committee formerly selected by James I. to aid him in formulating his proposed royal government for Virginia.

because of the recent calamities, to excuse them from paying custom and import dues on their tobacco. Among their reasons why this should be done, they give "the many impositions and levies now made and laid upon them for the support of the Company in England. From whence heretofore they were wont to receive relief."

On April 18, the king referred this petition to the lord treasurer and the chancellor of the exchequer, and on the 24th they referred it to the Virginia Company for their answer. On the 26th the planters delivered the petition to Deputy Nicholas Ferrar. He asked them to set down their grievances in writing. He had another conference with them the next day, and at the Virginia court of May 4 the petition was referred to the court for answer. It was fully reviewed, and "the unjustness of the complaint of the planters did much grieve the Company, that where they deserved thanks for their charity they should be complained of for oppression." One of the specific charges of the planters was that the provisions sent over the last year for their relief by his Majesty's command had been sold to them at excessive rates. The court denied this.

About ninety were present at this court, including three peers (Southampton, Cavendish, and Paget) and four knights (Edwin Sandys, John Danvers, Lawrence Hyde, and John Trevor). The papers in the breach of promise suit of Pooley *vs.* Jordan were submitted to the court, and, being read, Mr. Purchas was entreated to confer with some civilians about it, and advise what answer was fit to be returned in such a case.

At the preparative court of May 6, "Sydrac Soan (and Martha his sister) brother to Joseph Soan, deceased claimed that his said brother had paid Sir Thomas Smith an adventure of £37. 10^s." "Garret Weston brother to Francis Weston" is mentioned as holding interests in Virginia.

At the quarter court, on May 8, "the three shares that Captain John Bernard drew in his life time in Martin's Hundred, as they are figured out *in ye generall Mapp of*

that societie," were passed to others as requested by Mr. Caswell. Not one of the public or private maps which were preserved in "the Company's chests of evidences" has been found.

The Virginia court of January 24 had resolved "to reserve all to the Parliament now at hand." There were no Virginia courts held between February 14 and May 4, owing to "this busy time of Parliament;"¹ but "those who call themselves the Virginia Company" were not idle. They were laying their groundwork and preparing their case for submission to the court, for which they had reserved all. Sir Edwin Sandys and Mr. Nicholas Ferrar were both members of Parliament, and the rising stars, Prince Charles and the Duke of Buckingham, had no more faithful assistants in their controversies arising out of "the Spanish Match" than they were. On April 25, the charges against the lord treasurer were laid before the peers by Coke and Sandys. On May 3, a petition from Bargrave and others against Sir Thomas Smythe was presented to "the Grand Committee for grievances," of which Sandys was a member. On May 4, the petition that the Council of Virginia had drawn up to be presented "to the Honorable House of Commons assembled in Parliament" was read by Mr. Deputy Ferrar to the Virginia court, and, after some debate, indorsed. "And the court entreated Mr. Deputy and those other of the Council that are also members of the Honorable House of Parliament would please, in the Company's name, to present the said petition to the House of Commons and prosecute the matters therein contained with all expedition."

This petition — after reciting the objects for "establishing the first plantation of the reformed religion in America," and showing the many advantages² arising and likely

¹ During this time the George, with the list of living, in Virginia, February, 1624, the general letters of February 8 and 12, the planters, etc., arrived from Virginia.

² Among these was "the inestimable advantage that would be gained to this State of England in time of war, both for the easy assaulting of the Spaniard's West Indies from those

to arise from the colony — states that disorders have arisen by the evil practice of some, “increased and upheld by strong hand, as doth threaten ruin and destruction to this excellent work of God, and His Majesty, if remedies be not timely applied.” And, therefore, as the petitioners were not able “to be their own physicians without higher assistance,” and “for the discharge of the trust reposed in them, *they now presented to this present Parliament this child of the Kingdom [Virginia], exposed as in the wilderness to extreme danger and as it were fainting and labouring for life.* And they pray that the House would hear from such of the Virginia Council as are members of the House, the grievances [which they state ‘had either their original or strength from the now Lord Treasurer out of his private and most unjust ends’] of the Colony and Company, and grant them redress.”

The petition was presented to the House of Commons on the morning of May 6, 1624, by Mr. Deputy Ferrar. After some opposition a committee was appointed to hear the case “in the Star-chamber upon the next Wednesday [May 8] in the afternoon, where all of the Company that are members of Parliament are allowed free speech at ye Committee but not deciding voyces.”

In the preparative Virginia court held that afternoon, Mr. Ferrar reported this state of the petition to the court. Steps were then taken for the election of officers by the following quarter court; and a contribution was made toward the expense of the education of an Indian boy brought from Virginia by Mr. William Perry.

At the quarter court, May 8, there were over 100 present, but only 79 voted. The Earl of Southampton and Mr. Nicholas Ferrar were reëlected as treasurer and deputy respectively. The usual number of auditors, committees, and other officers were chosen. As the term of Sir Francis parts, and for the relieving of all ships and men-of-war that should go attaining (*at least for the publick of their country and prosperity*) a most beneficial retribution for all their expense and pains.”

The petitioners did not doubt “of

Wyatt would expire in the following November, he was now reëlected to serve as governor in Virginia for three years longer.

The court then took up the matter of the general narration of their grievances which was to be made that afternoon before the committee of the lower house of Parliament (the Commons). These were divided under four heads:—

I. "The matter of Tobacco and all the grievances therein." To be presented to the committee by Mr. Deputy Ferrar, M. P. for Lymington.

II. "The business of the Contract for the sole importing of Tobacco." By Sir Edwin Sandys, M. P. for Kent.

III. "The proceedings of the Commissioners." By Lord Cavendish, M. P. for Derby.

IV. "The passages since." By Sir John Danvers, M. P. for Newport.

That afternoon they made their relations before the committee. "They layd the great load upon the Lord Treasurer [Cranfield]: charged the Commissioners, appointed by the King to hear and report the cause, with extreme partiality—and brought charges against Sir Nathaniel Rich [M. P. for Harwick]. They spared not the Count of Gondomar and his successors, who they said had in charge to use their uttermost endeavour for the destruction of the said Company and their plantation." The whole afternoon was taken up in reading their relations, and the matter was to come up for farther consideration on the next day.

May 9, before the case was taken up, "the Speaker of the House of Commons delivered and read a letter which he had received from the King, concerning the Virginia Petition whereupon by general resolution it was with drawn."

The letter was written the day before at Windsor, "signifying to our House of Commons not to trouble themselves with this petition as their doing so could produce nothing but a further increase Schisme and factions in the

Company, which were in settlement by himself and his Privy Council.”¹ “As for those businesses of Virginia and the Barmudoes, ourself have taken them to heart, and will make it our own work to settle the quiet, and wellfare of the plantations, and will be ready to do anything that may be for the real benefit and advancement of them. This we thought good to intimate to our House of Commons, not out of favour respect, or mediation of any party, but of our own Princely love, and regard to our House of Commons, And we earnestly desire to remove all occasion, that might disturb the peace of it, or hinder you from your more great, and weighty occasions, and assure ourself our House of Commons will take in good part and correspond with us herein, as they have done in all things else during this Session.”

This incident was viewed differently by parties looking from different standpoints. Sir Isaac Wake wrote, “our schisme caused by ye Virginians is quieted with his Majesties letter, which was received with *an universal applause*.”

Sir Francis Nethersole says: “This was assented to *by a general silence*, but not without some *soft mutterings* that by this meanes and example my Lord Treasurer’s [Cranfield] business or any other might be taken out of the Parliament.” John Chamberlain wrote to Carleton: “The King wrote a letter yesterday to the lower house, to rid them of a thornie business touching Virginia and the Summer Islands which was like enough to have bred much faction and distraction among them, being followed on both sides with much eagerness and animositie; which to prevent the King hath resumed and reserved the whole cause to his own hearing, which is the best course could have been taken, and no doubt most pleasing to the major part.”

From the first all colonial matters of importance had to be submitted to the Privy Council for their decision, and all along that Council had had a general supervision over everything pertaining to the colonies; therefore the Sandys

¹ See Peckard’s *Ferrar*, p. 152.

party must have known that their cause was then almost hopeless. Their appeal to the Commons was really an appeal to the wrong court, but there was no other hope for the popular charters and form of government. The House itself, in now yielding to the king, tacitly admitted that "his colonies were the demesnes of the Crown lying beyond the jurisdiction of the State."

The Sandys party had managed their case as well as they could, using as levers the case of Prince Charles and Buckingham against the lord treasurer, the evil influence of Gondomar, etc.; but as their suit was really against the crown, and their hopes had been dependent on the Commons, they must have now felt that their cause was hopeless; yet they were not willing to surrender their charters voluntarily. They were contending for a principle and for the future. They were impressing their plans on the present for the good of their posterity.

The Cape Cod fishery case had been considered by this Parliament during the first session on March 5, 6, 9, 25, 26, and 27, and second session May 3, 13, 14, 29, 30; June 1, 3, and 4. The act which finally passed the House of Commons was sent up to the House of Lords; but the Lords' journal shows no further proceedings thereon, and the crown continued to control the matter. Parliament sat for the last time on June 7, and was then prorogued from time to time until the death of James I.

On May 30, Solicitor-General Heath wrote to Sir Robert Harley, "requesting him to take opinions on a Bill to be proposed in Parliament for prohibiting the import of Spanish tobacco, by which £100,000 a year is lost to the Kingdom. It can be done without breach of the Treaty, the King has promised it to the Virginia Company, and it will increase his revenue £50,000 per annum." On June 3, the House of Commons authorized Sir Edwin Sandys and Mr. Nicholas Ferrar to draw a bill against the importation of Spanish tobacco. The price of Virginia tobacco was falling and steps were being taken to protect it. Sir Peter

Courteen wrote to John Harrison from Middelburgh, the capital of Zealand, "about the sale of Virginia tobacco, which is at as low a stand as ever was and like to come lower. Desires Harrison to procure patent upon some of the Company's name for Capt. John Powell to have leave to trade into the plantation of Virginia." Harrison replied, on June 26, that he had moved the Virginia Company in the matter, but could not "prevail, in regard they are afraid that Capt. Powell should go to the West Indies."

About June 12, three ships returned from Virginia after a very speedy passage, bringing "the Lady Wyatt, great with child;" the documents sent by the hands of Mr. John Pountis, from the General Assembly in Virginia to the company; and the reports sent by the hands of Mr. John Pory, from the commission in Virginia to the commissioners in England.

At the preparative court on June 17, Mr. Deputy Nicholas Ferrar acquainted the company with the good news brought from Virginia by these ships, and the court took steps for supplying Sir Francis Wyatt and Mr. George Sandys with tenants, etc.

The deputy also acquainted the court that although the general business of the company preferred in their petition had not proceeded in Parliament, yet the particular of tobacco by the exceeding great care and wisdom of Sir Edwin Sandys, assisted by the Lord Cavendish and other very worthy members of the company, had a very happy issue. Steps were to be taken by the company to second the House in the matter of tobacco; but the House did not meet again. Wednesday, June 19, was the Trinity quarter court day of the Virginia Company; but if the company met — or ever met in court again — I have no record of the meeting.

Mr. John Pountis had died on the voyage just off the coast of England (his will was recorded June 28), and on June 24, Mr. Chancellor Weston wrote to Sir Thomas Merrie, clerk of the Green Cloth (the cousin and executor

of Pountis), as follows: "It is not unknown that at the death of your Cousin who was imployed in the Virginia business, there were remayning in his hands divers Letters and papers of importance concerning those affairs which may be verie useful and therefore fit to be preserved in safety. And because his Majestie is informed that those papers are either in your custodie or where you may have the command of them. His pleasure and Commandement is that such of these papers as remayne with you—you keep safely and carefully against such time as use may be made of them. And if you know where anie of them are in the Custodie of others you are to call for them and cause them to be put in like safetie that none of them are wanting when there shalbe occasion to use them. This is the charge Sir Thomas Merrie."

The seven original documents, together with sundry other papers (copies of those sent by the George, etc.), were thus preserved by "Sir Thomas Merrie," and have since passed into the hands of the state; but curiously enough they have become badly scattered in the state paper office (London). The Answers to Johnson (A) and Butler (B) are on file under February, 1623; while the Petition to the King (C) and Brief Declaration (E) are placed under July, 1624, thus making seventeen months' difference in the dates of the documents, when really there was not seventeen days. I have found no reply to any of these documents (A—G), unless the reports (1625) of the royal commission in Virginia, known as "Harvey's reports," be so considered. Circumstances soon made any other reply unnecessary.

John Pory, soon after his arrival, probably as early as June 13, gave in the reports (1624) of the royal commissioners in Virginia, and the attested copies, which they had "attained unto," of the Assembly papers (A—G) to the Privy Council and the royal commissioners in England. During Trinity Term the *quo warranto* came up in the court of the King's Bench by which "the Virginia Patent was overthrown," on June 26, 1624, the last day of the

term. Wodenoth says, in regard to these *quo warranto* proceedings: "Notwithstanding it was more than presumed by some that the most rightfull contest in a legal way would be fruitless, yet the company by vote and order thereupon entertained counsell of the best lawyers they could get and resolved to spend the remaining part of their stock and cash to plead their cause to a due issue; when also some good number of *unknown* persons sent in money, plate, and jewels to animate and assist so just a defence as this Company's right and interest; whilst many could not but conceive and fear the example might be most pernicious in other cases.¹ Yet, nevertheless, a judgment was declared by the Lord Chief Justice Ley against the company and their charter only upon a failure or mistake in pleading, which destroyed the hopes of all that looked in a just and righteous way towards that pious and public work of plantations." James I. had had the matter decided to suit himself and the royal party. The decision was more satisfactory to the Smythe party than the Sandys party, but it was regardless of the rights of either party in the company under the popular charters.

John Ferrar² gives a very brief and unsatisfactory account of the proceeding in the *quo warranto* case, and of Attorney-General Coventry's "great plea" (which he belittles) upon which sentence was given. "That the Patent, or Charter of the company of English merchants trading to Virginia, and pretending to exercise a power and authority over his Majesty's good subjects there, should be thenceforth null and void."

Ferrar says, "The king was at the bottom of this whole proceeding, which from beginning to end was a despotic violation of honour and of justice; which proved him to be a man void of every laudable principle of action; a man who in all his exertions made himself the scorn of those who were not in his power, and the detestation of those who were; a man whose head was indeed encircled with the

¹ See Nethersole's letter on p. 598.

² Peckard's *Ferrar*, pp. 144-147.

Regal Diadem, but never surely was Head more unworthy or unfit to wear it." To this Peckard has added in a note, "He became the public jest, and object of ridicule to all the states of Europe."

Ferrar and Peckard evidently had a very different opinion of the king from that held by Purchas,¹ Crashawe, and others. Each side went to extremes. James I. was a human being, and it was as natural for him to wish to resume the government as it was for the company officials to wish to retain it. I have not been able to find the records of the court of the King's Bench at this time, and therefore I am not able to give the authentic particulars of the case; but although the charter was condemned by Chief Justice Ley, and although the king "resumed the government," it seems that the charter was not really vacated upon the records of the Office of the Rolls, and owing to the early death of James I. it is certain that the new charter, which was intended to supersede it, was not issued. The judgment of the King's Bench against the charter was not entered until about 1632, when it was done at the instance of Lord Baltimore; but in the beginning of the Parliament of 1640, the opponents to Baltimore's patent for Maryland took out the Virginia patent again under the Broad Seal of England, and thus it really continued, and continues, as the basis of our rights to our lands and our laws. A manifest destiny has shaped our end from the first.

A NOTE ON THE RECORDS OF THE VIRGINIA COMPANY OF LONDON.

John Ferrar says that "about a year before the dissolution of the Company [June, 1623?], Mr Nicholas Ferrar [suspecting that the company records would finally be concealed or destroyed] procured an expert clerk fairly to copy

¹ "He is beyond comparison compared with others, a meere transcendent; beyond all his Predecessors, Princes of this Realme . . . a Salomon indeed." *Purchas his Pilgrimes*, vol. iv., p. 1971.

out *all* the court books, and *all* other writings belonging to them, and caused them *all* to be carefully collated with the originals, and afterward attested upon oath by the examiners to be true copies. The transcribing of which cost him out of his own pocket above £50 : but this he thought one of the best services he could do the company." He afterwards carried them to their late worthy governor the Earl of Southampton, who accepted them as a rich treasure, being evidences that concerned his honor.¹ Mr. Ferrar does not give the date of presentation, but from other sources it seems that it must have been between June 29 and July 6, 1624.

Two of these books (copied for Ferrar) are now in the library of Congress. They contain the acts of the general courts, as mentioned on page 338 ; but the records of the court of May 30, 1620, and of the beginning of the quarter court of June 1, 1622, are wanting. The one, from May 8, 1619, to July 13, 1622, and attested on February 7, 1624, contains 354 pages and about 200,000 words. The other, from July 27, 1622, to June 17, 1624, and attested on June 29, 1624, contains 387 pages and about 230,000 words.

These are not copies of "all the court books and all other writings" belonging to the company. The copying of them probably cost less than £25 ; and if all records were transcribed there still remains a hope that the rest of these copies may yet be found somewhere. Those which have been preserved are of the greatest historic value, and those which are still missing were evidently of equal value.

¹ Peckard's *Ferrar*, pp. 153-156, and 166.

XII

VIRGINIA, JUNE, 1624 — MARCH, 1625

SIR FRANCIS WYATT, GOVERNOR

THE Virginia land patent books from June, 1624 (with some references to earlier dates), to the present time, have been preserved. Their value to the historian of Virginia cannot be overestimated. The grants to adventurers and planters during the formative period prior to 1619 had been issued under the charters of 1609 and 1612, and the orders, etc., as printed in "*Nova Britannia*;" but they were not many, for the country itself was then only in chrysalis, developing golden opportunities for the future. The grants under the company, which since 1619 had been issued mainly under the rules of "the Great Charter," ended in February, 1625. Owing to the alteration of the form of government, the end of the company, the death of James I., and the confusions incidental to these things, it was nearly two years before the issuing of land grants under the crown began, and then they were continued on very nearly the same lines as under the company; but the title was more directly from the crown.¹

¹ The form of a land grant under "the Great Charter," 1619-1625, inclusive:—

"*By the Governor and Captaine General of Virginia.* —

"To all to whom these presents shall come, greeting in our Lord God everlasting. Knowe ye that I * Knight, Governor and Captaine General of Virginia by virtue of the Great Charter of Orders and lawes concluded on in a great and Generall Quarter

Courte, by the Treasurer, Counseil and Company of Adventurers and Planters for this Southerne Colony of Virginia (according to the authority granted them by his Majestie under his great Seale) and by them dated at London the eighteenth [O. S.] day of November 1618 and directed to myself and the Council of Estate here resident doe with the approbation and consent of the same Counseil, who are joined in commission with mee give and graunt

* The name of the governor.

The thirty-second article, in the laws sent to England by Pountis was: "That at the beginning of July next the inhabitants of every corporation shall fall upon their adjoining Salvages, as we did the last year — Those that

to* his first generall dividend to be augmented and doubled by the company to him his said heires etc, when he or they shall once sufficiently have planted and peopled the same . . . acres of land situate† To have and hold the said . . . with the appurtenances, and with his due share of all mines and mineralls therein contained, and with all priviledges of hunting, hawking, fishing, fowling, and others — within the precincts and upon the borders of the same land to the sole and proper use, benefit and behoof of him the said forever. In as large and ample manner to all intents and purposes as is expressed in the said Great Charter, or by consequence may justly be collected out of the same or out of his Majesties Letters Patents whereon it is grounded.

"Yeilding and paying to the said Treasurer, Counsiel and Company and to their successours forever, Yearly at the feast of St Michaell the Archangel, for every fiftie acres of his said dividend the free rent of one shilling. . . .

"In witness whereof I have to these presents sett my hande and the great Seale of the Colony. Given at . . . the . . . day of . . . in the yeares of the raigne of our Sovereigne . . . viz. of England, etc. the . . . of Scotland the . . . and in the . . . year of this plantation."

The following is the general form of a land grant under the Crown, 1627-1775: —

"‡ by the Grace of God of Great Britain, France, and Ireland King Defender of the Faith, &c.

"TO ALL to WHOM these Presents shall come Greeting — Know ye that for divers good causes§ WITH ALL woods underwoods swamps, marshes, Lowgrounds, meadows, Feedings &c. his due share of all veins, mines and Quarries as well discovered as not discovered within the bounds aforesaid and being part of the said . . . acres of Land, and the Rivers, Waters and water courses therein contained together with the Privileges of Hunting, Hawking, Fishing Fowling and all other Profits Comodities and Hereditaments whatsoever to the same or any part thereof belonging or in anywise appertaining. TO HAVE HOLD Possess and Enjoy the said|| To be held of us our Heirs and successors as of our *Mannor of East Greenwich in the County of Kent in Free and common soccage and not in Capite or by Knights service.*¶

"YIELDING AND PAYING unto us our Heirs and successors for every fifty acres of Land and so proportionably for a lesser or greater Quantity than fifty acres the Fee Rent of one shilling yearly to be paid upon the Feast of Saint Michael the Arch Angel. . . .

"WITNESS our Trusty and welbeloved governor and commander in chief of our said Colony, &c."

* Name of grantee, etc., and considerations.

† Bounds of grant.

‡ The name of the sovereign.

§ Given here the considerations, name of grantee, bounds of grant.

|| Premises, etc.

¶ The letters patents to the company conveyed the same title.

shall be hurte upon service to be cured at the publique charge; in case any be lamed to be maintained by the country according to his person and quality," — that is, to be pensioned.

These midsummer wars were for the purpose of starving out the Indians by destroying their crops at too late a day for replantation. Governor Wyatt in person commanded an expedition which is thus described in their general letter of December 12, 1624: "It hath pleased God this year to give us a great victory over the Otiotan and the Pamunkeys, with their Confederates, by a handfull being in all not above 60 fighting men — whereof 24 were employed only in the cutting down of Corne. Yet the Indians shewed what they could do, having mainteyned fight two days to-gether; and much thereof in the open field. The young men being beaten up by the elder, many slain, and as much corn cut down as by the estimation of men of good judgment was sufficient to have sustained four thousand men for a twelvemonth; Who were [finally] so discouraged, that they gave over fighting, and dismayed stood most ruefully looking on whilst their corn was being cut down. And had we been well furnished with powder, the governor would have proceeded further to Matepony river, by which he had hazarded the starving of all those nations.

"In this expedition sixteen of the English were hurte our first and second day, whereby nine of the best shot were made unserviceable for that time, yet never a man slain; nor none miscarried of those hurtes; since when they have not greatly troubled us, nor interrupted our labours.

"The Indians were never known to shew so great resolution, either encouraged by the paucitie of ours, or their more great numbers, there being of the Pamunkeys eight hundred bowmen besides divers nations that came to assist them. Fighting not only for safeguards of their houses and such a huge quantity of corn, but for their expecta-

tions with the rest of the Salvages which we now hope they have lost. That depending much upon the success of the action, ye Pamunkies having made great brag of what they would do among ye northern nations ; of whom the King of Potaxone sent an Indian unto us expresslie to be an eye witness of the event.

“If our store of powder had been answerable to our intentions & readines we had gone upon our neighbouring Indians, although we understand that they have quitted their former Plantations by the harsh visits which they received from us the former Summer. And as we conceive did much rely upon relief from the Pamunkeys, who therefore planted the greater quantitie. . . .

“This summer God be thanked, the Colony hath very well stood to health, which assureth us that the mortalitie of former years is to be imputed to other accidents.”

The chief reason for the comparatively low death rate of the summer of 1624 was the small number of newcomers to go through the seasoning.

After the return from the wars, Governor Wyatt granted a good deal of land to various patentees, and many lots in Jamestown, and “the New-towne in James Citty,” all of which were properly surveyed and laid off by William Clayborne. “Capt John Harvey Esquire,” one of the commissioners, was granted $6\frac{1}{2}$ acres of land in “the New Town,” near the lots of Captain Ralph Hamor of the Council, George Menefie, Richard Stephens, and John Chew, merchants.

During Harvey's (or Harvie's) stay in the colony he devoted himself to obtaining answers to several questions given him to that purpose. Of these, one was: “What was the cause of the Massacre, and who first taught the Indians the use of Fire Arms?” I have not the details of these examinations; but as to this question Mr. Stith¹ says “that in a Court held the 11th of November, 1624, Robert Poole and Edward Grindon, gentlemen, ancient planters

¹ *History of Virginia*, p. 142.

and Inhabitants of the country, appear, and declare, upon oath, their Knowledge of the matter. Their depositions entirely clear Mr. Yeardley, and shew him to have been very cautious and careful in that point; and they throw the whole blame upon Captain Smith, Sir Thomas Dale, and some other inferior officers and private persons."

This fall the colonists were in good spirits after so many disasters. "And among so many of his benefits, God had sent them a plentiful harvest of corne, and the industrious were well stored with other provisions so great that excepting the number of men the colony hath worne out the Scarrs of the Massacre. An if in anything it come short, in many things it exceedeth the former conditions."¹

In the summer of 1624, Captain John Martin arrived in Virginia in the Swan, of 30 tons, via New England, with Mr. Thomas Weston, the owner of the pinnace, and others. This Mr. Weston had been interested in the Mayflower emigrants, and was associated with Mr. John Pierce in his patent in Virginia, and afterwards in the first Plymouth patent; his ships had been trading with Virginia since 1621, and he afterwards owned land in Virginia and Maryland. Captain Martin brought with him the order of the Privy Council in England of December 29, 1623, recommending him to the "more than ordinary respect" of the governor and Council in Virginia; and also the letter of the earls of Pembroke and Montgomery, Lords Cavendish and Paget; Sirs Robert Killegrew, John Danvers, and Humphrey May; Mr. John White, the lawyer, and Mr. Nicholas Ferrar, the deputy, which had been indorsed by the Virginia court in England of February 12, 1624, especially commending to the care of the governor and Council in Virginia a suit "for divers wrongs" which Martin proposed bringing against Sir George Yeardley in Virginia. The governor and Council in their general letter of December 12, 1624, acknowledged the receipt of the aforesaid order and letter; evidently resented them, and thought

¹ Extract from general letter.

that Martin¹ had little deserved them at their hands; but, notwithstanding, they promised their best assistance to the accommodation of his business. In the letter they urge the company to send them some powder as soon as possible, and conclude:—

“Thus humbly desiring your former favours and fervency in the support of this action and the settinge of our Estate, much shaken by rumours, which have bred a generall irresolution amonge us, we humbly take our leaves and remain

Att your Commands.

“FRANCIS WYATT.

“FRANCIS WEST.

“GEORGE YEARDLEY.

“GEORGE SANDYS.

“JOHN POTT.

“ROGER SMYTH.

“RAPHE HAMOR.”

“Symon Tuchin master of the *Due Return*, having been ‘banished out of Ireland,’ was reported as strongly affected to Popery, and the Governor and Council in Virginia sent him as a prisoner (in January, 1625) to the Company in England, to take such order therein as shall seem best to their graver judgments, as he was regarded as a person dangerous to the Colony in case he should become Pylott to a forreign Enemy.”

On February 14, the governor and Council in Virginia wrote a letter to the Earl of Southampton and others in England, inclosing certain depositions which had been taken in the cases of Captain John Martin against Sir George Yeardley, as also for the cattle in question between Martin and Captain John Bargrave, etc.

When Captain John Harvey left Virginia in February or March, 1625, he carried with him reports from the plantations, and replies to sundry questions, which give a fairly approximate idea as to the condition of the colony. The questions were:—

¹ On his arrival in Virginia he had instituted a suit of “nine demands” against Sir George Yeardley and others.

“1. How many several plantations there be — Public and Private?” The replies to this were not sufficiently complete, and the Privy Council repeated the question on May 25, 1625.

“2. What people men weomen and children be in each Plantation? 3. What houses? 4. What Cattle, etc.? 5. What corn, etc.? 6. What fortifications? 7. What arms, etc.? 8. What boats, etc.?”

And the following general questions, to which Harvey made the following answers: —

“9. *What present relation the State of the Colony hath to England?* Their generall desire is to be immediately under the government and protection of his Majestie. Onlie some fewe employed by the late Company feare by the change of government their losse of imployment and so desire to be still under the Company.

“10. *What present relation the State of the Colony hath to the Salvages?* They are ingaged in a mortall warre and fleshed in each others blood, of which the Causes have been the late massacre on the Salvages parte, and on the parte of the Englishe a later attempt of poysoning Opochancano and others. I conceive that by the dispersion of the Plantations the Savage hath the advantage in this warre, and that by their suddaine assaults They do us more harm than we do them by our set voyages.

“11. *Remedies against the daunger from the savages and meanes to advance the Plantation?*” In his reply, Harvey adopts, as his advice, many ideas which had been previously expressed by Sir Thomas Dale and others, as well as the present ideas of the king. He says: “For the future advancement of the Plantation there must be an established form of government settled amongst them there, and another here in England; both managed by such men as may be subject & answerable in their perticular persons for all their proceedinges to his Majestie and the Lords of his Majesties Privy Council.” He does not make a favorable report of the management since May,

1619. He says, "Of all *the publique stocke* which within these last six yeares hath been disbursed there remains no publique work, as guest house, bridge, store-house, munition-house, publique granary, fortification, Church or the like. The whole remainder being a few tenants at halves whose times are near expired." He concludes, "There is not a countrey in the same climate throughout the whole world that gives better hopes of benefit than Virginia if it be well undertaken and diligently followed."

Less than 1100 emigrants were living in Virginia in February, 1624. About fifteen ships, which left England with about 260 emigrants, arrived in Virginia between that date and February, 1625, at which time 1095 English emigrants were living in the colony. Less than 266 having died *en route* and in the colony during the previous twelve months, the following is an approximately fair statement: There were living in Virginia, in November, 1619, about 900 English, of whom about one half were acclimated. There were sent to Virginia, during 1619-1624, about 4894 emigrants. Of these forty-five, in the Garland, went to the Bermudas and remained there, and 100, in the Mayflower, went to North Virginia and remained there, the rest, being 4749, either reached Virginia or died *en route*, which, with the 900 of November, 1619, make a total of 5649, of whom only 1095 were then living in Virginia; thus showing that between November, 1619, and February, 1625, there had died *en route* or in Virginia, or had returned to England, 4554. It is doubtful if as many as 154 returned to remain in England. Of the living, over 300 came in before November, 1619. Of 107 children born in Virginia, the father, or mother, or both father and mother, of over eighty came before November, 1619. About 900 Virginians had become acclimated and were in condition to "be fruitful and multiply, and replenish the earth and subdue it."

Of the old planters that were here before the going away of Sir Thomas Dale the following were still living in Virginia at this time:—

Of those sent under the royal charter in 1606–1608: Nathaniel Causey, John Dods, David Ellis, Captain Thomas Graves, Anne Laydon, John Laydon, Captain John Martin (the only member of the original Council then living in Virginia), Thomas Savage, Richard Taylor, Captain Francis West, and probably a few others. Raleigh Crashaw was living in 1624, and he was probably still living, but absent; Ensign William Spence is recorded as “lost” in 1623, but he may have been living in captivity.

Of those sent under the company charters in 1609–1615: William Askew, Robert Aston, Henry and Thomas Bagwell, William Bailey, Hugh Baldwin, Michael Batt, Lieutenant Edward Berkeley, Theophilus Beriston, Richard Biggs, Walter Blake, John Blow (Blower, etc.), Richard Bolton, Reynold Booth, Thomas Bouldin, Thomas Cage, William Capps, Thomasine Causey, John Carter, Joan Chandler, Isaac Chaplain, Francis and Thomas Chapman, Josiah Chard, John Clay, Phetiplace Close, Joseph Cobb, Susan Collins, Henry Coltman, Joan Croker, John Downeman, Elizabeth Dunthorne, John Ellison, Robert Fisher, Joan and Pharao Flinton, John Flood, Thomas Garnet, Thomas Godby, George Grave, Robert Greenleafe, Edward Grindon, John Gundrie, John Hall, Ralph Hamor, Thomas Harris, John Hatton, Hugh Haward (Haiward or Howard), Gabriel and Rebecca Holland, Oliver Jenkins, John Johnson, Elizabeth Jones, Cicely Jordan, William Julian, Richard Kingsmill, Thomas Lane, John Lightfoot, Robert Lince (Lynch?), Albiano Lupo, Francis Mason, William Morgan, Alexander Mountney, Robert Paramour, Robert Partin, William Perry, Joan and William Pierce, Robert Poole, Jr., John Powell, John and William Price, Miles Prickett, John Proctor, James Robeson, Christopher and Robert Salford, Walter Scott, Samuel and William Sharpe, James Sleigh, Joan and John Smith, William Spencer, Thomas Stepney, John Stone, Thomas Sully, John Taylor, Captain William Tucker, Henry Turner, John and Susan Vigo, William Vincent, Edward Waters, Thomas Watts, Amyte Wayne,

Michael Wilcocks, Henry Williams, Thomas Willoughby, Sir George and Lady Temperance Yeardley, and others.

These were all entitled to land under the Great Charter of November 28, 1618.

The Anne arrived in Virginia soon after March 6, 1625, with the royal commission of September 5, 1624, authorizing Sir Francis Wyatt to be the royal governor, and Francis West, Sir George Yeardley, George Sandys, Roger Smith, Ralph Hamor, John Martin, John Harvey, Samuel Matthews, Abraham Peirsey, Isaac Madison and William Claiborne to be the King's Council in Virginia, to govern the colony temporarily "until some other constant and settled course could be resolved upon and established by the King." There was nothing in the commission to encourage the hope for a continuance of popular rights. There was no provision for a House of Burgesses nor General Assembly. The king had now resumed the government of the colony.

Captain John Smith, at the end of one of his summaries¹ of how much he had done and how little had been done by his "successors," says that the company "broke, not making any account, nor giving satisfaction to the Lords, Planters, Adventurers, nor any; whose noble intents had referred the managing of this intricate businesse to a few that lost not by it. So that his Majesty recalled their commission; and by more just cause, than they perswaded King James to call in ours [in 1609], which were the first beginners, without our knowledge or consent, disposing of us and all our indevours at their pleasures." I have given the motive for, and manner of the altering of the charters (in 1609), which was really for the best and was honorably done on the petition of sundry planters as well as adventurers. The summary is an imposture.

Those planters who did not remain in the colony, those adventurers who did not secure a full share by paying for it, and those subscribers who failed to pay their subscriptions in full, under the articles of the company, had for-

¹ Arber's edition of Smith's Works, pp. 927-931.

feited their claims against the company, as they had failed to comply with their part of the contract. But those who secured full shares by continuing in the Virginia services, or by paying for them in cash, and those who paid the full amount of their subscriptions, either sold their shares or received their lands in Virginia, or the not doing so was their own fault; for they were legally entitled to these lands, both under the company and under the crown.

Smith says the Virginia Company in carrying out "their owne conceits consumed more than £200.000, and neere eight thousand men's lives." He attributed this result to "want of good order and government." It is true that the enterprise had cost much money and many lives; but many a battle in a bad cause has cost more and accomplished less for the betterment of mankind. The government designed by the company was the crowning glory of the colony.

The simple facts are that the London Company for Virginia secured a fifth kingdom for England and planted in the new world the germs of civil and religious liberty for the glory of their posterity; that the king, in resuming the government, took for the crown the emoluments which were then accruing to the company as the result of their long and patient labors so freely bestowed with their time and money; and that "the historian" robbed them of their good name. More than 120 years ago our forefathers revolted against the crown and resumed the popular rights granted to them under the company. It is time for their posterity to remove the ungenerous covering with which "the historian," under the royal prerogative, concealed the broad foundation on which the nation was established.

As I have said in the preface, Smith's "history" is devoted to lauding himself; to magnifying the work accomplished in his time, by him, under the crown, 1606-1609, and to obscuring or belittling the work done by the company, 1609-1624; that is, to presenting a view agreeable to many at that time, but contrary to the facts. The following statement gives the idea, in the premises, conveyed by the most reliable evidences.

STATE OF THE COLONY IN VIRGINIA WHEN IT WAS RECEIVED
BY THE COMPANY FROM THE CROWN, IN 1609.

The Government.

Form. Monarchical or Aristocratic.

Officials. "Capt John Smith sole governor [president of the King's Council in Virginia], who would admit no Assistants." No written laws, and much confusion.

The General Condition of the Colony.

Between 70 and 130 English, probably "about 80," living precariously, some at Jamestown, others near the oyster banks below, and some among the savages. No landowners; no ministers. No provisions save about seven acres of growing corn. The colony being in a general state of necessity and distress, for which, however, I consider no human being responsible.

STATE OF THE COLONY IN VIRGINIA¹ WHEN IT WAS RETURNED
BY THE COMPANY TO THE CROWN, IN 1625.

The Government.

Form. Popular, Republican, or Democratic.

Officials. Sir Francis Wyatt, governor, with Francis West, Sir George Yeardley, George Sandys, Ralph Hamor, Roger Smith, Dr. John Pott, and John Pountis, as his Council. The governor and Council, constituting *the Council of State*, elected by the company (adventurers). The House of Burgesses, consisting of two burgesses out of every town, hundred, or other particular plantation, freely elected by the inhabitants (planters). The Council of State and the House of Burgesses constituting *the General Assembly* (representing the adventurers and planters), by

¹ In this summary, for cogent reasons, I have confined myself to the status of Virginia; but it must not be forgotten that New England had also been settled in 1620, under the company charters of 1609 and 1612.

which proper laws were properly executed, as well as by regular quarterly courts and monthly courts.

The General Condition of the Colony.

I. *The Corporation of Henrico.*

Public lands. 3000 acres of company and 1500 acres of common land; 10,000 acres for the university and 1000 acres for the college.

Private lands. Prior to April, 1622, there had been granted to some 23 proprietors about 2800 acres; but as a result of the massacre this corporation was almost depopulated in 1625, the only inhabitants then being on the college lands. With the exception of Francis Weston (or Wilton) and Edward Hobson, the landowners of Henrico were either dead or living elsewhere. John Peterson (or Patterson) and Thomas Sheffield had been killed by the Indians; Anthony Edwards, Nathaniel Norton, Thomas Tracy, Peter Neumart, Thomas Morgan, Robert Ackland, John Griffin, Thomas Read, and Thomas Tyndall were probably dead. The following were living: John Proctor, William Perry (then in England), and Phettiplace Close, "over the river from Jamestown;" John Billiard (or Villiard), Richard Bolton, and John Laydon, in "Elizabeth City;" John Price, in "the Neck of Land Charles City;" Lieutenant Edward Berkeley, on "Hog Island," and John Blower (Blow, or Blore, who had surrendered his patent on "Falling Creek" to the use of the iron-works), on "the Eastern Shore." It had been hoped that the western bounds of Henrico might be the great South Sea; but the Indians made it unsafe for the extension of the settlements to the westward, and thus the corporation became so small that at some time between 1625 and 1629 the bounds were extended down the river so as to include the upper part of Charles City, "the Neck of Land" and "the Curls of the river" below, making the dividing line as it was when the counties were formed in 1634.

Inhabitants. 18 free, 3 servants,¹ and 1 child born in Virginia. Total, 22.

Houses. 10 dwelling-houses.

Cattle, swine, etc. One hog belonging to Lieutenant Thomas Osborne. The Indians had the rest.

Corn and other provisions. 57 barrels of corn, 6½ bushels of pease and beans, and 1800 fish, wet and dry.

Fortifications. None.

Arms and ammunition. 21 snaphaunce pieces, 6 swords, 13 armors, 9½ pounds powder, and 52 pounds lead.

Boats and barks. One (return probably incomplete).

II. *The Corporation of Charles City.*

Public lands. 3000 acres of company and 1500 acres of common land; 500 acres "uppon the Easterly side of Chapokes creek," belonging to the treasurer's place, and 100,000 acres belonging to Southampton Hundred (from Tanx Wyanoke to the mouth of the Chickahominy River), which had been virtually abandoned since the massacre, the few remaining tenants having removed to Hog Island.

Private lands. There had been granted to some 70 proprietors about 20,000 acres of land. Owing to deaths and many changes this is only an approximate estimate; but the list is as complete as Captain Claiborne "could then attain unto." After the massacre, in 1622, many entitled to lands were probably in doubt as to where best to settle, as they did not locate their land until 1627-1629, after the colony had passed to the crown. It seems that all the grants then in Charles City had been made before 1624. After the massacre, that part of this corporation above the mouth of the Appomattox (which was afterwards added to Henrico), like Henrico, was almost depopulated, and "the Neck of Land" was the only plantation or settlement reported therein in February, 1625. The following persons, or their heirs, then owned lands in the

¹ "A servant of" then meant in "the service of;" it had not as menial a meaning as now. Servant and service might be of a high character.

bounds of Sir Thomas Dale's chosen place of resistance. *Living*: William Vincent, Richard Taylor, Joshua Chard, John Dodds, William Sharpe, and Thomas Cage, then living in "the Neck of Land;" Robert Partin, Richard Biggs, Henry Bagwell, and William Bailey, living "at West and Sherley Hundred;" Thomas Douse and Francis Mason, in "Elizabeth City;" Isaac Chaplain, at "Chaplain's Choice;" Nathaniel Causey, at "Jordan's Journey;" John Carter and Thomas Swinhow, "the Maine;" Theophilus Beriston, in "Jamestown;" and Thomas Hobson, "over the river from Jamestown." *Dead, or probably dead*: Samuel Jarratt (killed, 1622), George Grimes (d. 1623), George Cawcott, Thomas Rosse (or Rose), John Owley, James Usher, William Cradock, John Harris, Captain Isaac Madison (d. 1624), John Dade, Simon Fortescue, John Writters (Witters, or Withers), Lieutenant Richard Crouch, John Carr, and Robert Bourne (or Browne).

"At Westover." Captain Francis West.

"Uppon Apmatucke River," probably below that river on the south side of James River. William Farrar, living at "Jordan's Journey;" Charles Magnor, Samuel Sharpe, Humphrey Kent, and Mr. Abraham Peirse, living in "Percy's Hundred;" Henry Milward, killed in 1622; Richard Simons, Arthur Antony, William Sizemoure, and William Douglas, possibly dead.

"In the Territory of great Weyonoke." *Living*: William Bailey, in "West and Sherley Hundred;" William Jarret (or Garret), at "Percy's Hundred;" Temperance Bailey (?), at "Jordan's Journey;" and Isaac Chaplain, at "Chaplain's Choice." *Dead*: Samuel Jordan (1623), and Captain John Woodliffe (?); killed by Indians: Christopher Harding (1623), Richard Pratt (1622), and Captain Nathaniel Powell (1622).

"Mr. Samuel Maicocks Divident." He had been killed by Indians in 1622.

"Tanks Wayonoke over against Persey's hundred," 2200 acres belonging to Sir George Yeardley.

"Capt. Spillman's Divident." He had been killed by Indians in 1623.

"Martin Brandon, belonging to Captaine John Martin by Patent out of England." He was then living in Elizabeth City. The other landowners here were George Harrison and Capt. Samuel Each, both then dead.

Inhabitants. 119 free, 84 servants, 26 children, and 7 negroes. Total, 236.

Houses. 68 dwellings. (Mr. Abraham Peirse, one of the commissioners, making a complete return for his hundred, 12 dwellings, 3 storehouses, 4 tobacco-houses, and 1 windmill.)

Cattle. 149 swine, 140 kine and 884 poultry. (The only corporation making a poultry return, and this one only in part. Nathaniel Causey owned "50 Poultry;" no one else reported over 40.)

Corn. 451 barrels of corn; 94 bushels of peas and beans; 4650 fish, wet and dry; 1 hogshead English wheat, 5 bushels English meal (flour), 5 bushels meal and 3 bushels oatmeal.

Fortifications. One fort "at Chaplain's choice."

Arms. 169 snaphaunce pieces; 6 pistols and petronells; 49 swords, besides "daggers" and "hangers;" 158 armors (coats of mail, — of steel, — of plate, quilted coats, buff coats, jackets and headpieces); 1½ barrels and 182½ pounds powder, and 2060 pounds lead.

Boats. Report incomplete.

III. *The Corporation of James City.*

Public lands. 3000 acres of company and 1500 acres of common land; 3000 acres laid out for the place of the governor (planted), in which were some small parcels, granted by Sir Thomas Dale and Sir Samuel Argall (planted). These lands were in "Pasbeheys" on the north side of the river, below the mouth of the Chickahominy River. The names of the owners of the "small parcels" are not given, but they were among the earliest land-

owners in Virginia. There were also glebe lands in each corporation.

Private lands. There were many parcels of land granted on Jamestown Island and lots in the town — to Dr. John Pott, Ralph Hamor, Roger Smith, Richard Stephens, Richard Tree, Sir Francis Wyatt, Sir George Yeardley, Capt. John Harvey, William Spencer, John Chew, John Lightfoot, Thomas Passmore, Mary Holland, Thomas Sully, George Menefie, William Pierce, Edward Blaney (or Blaine), Abraham Peirse, John Southerne, Thomas Alnutt, Peter Longman, John Borrows, Rev. Richard Buck (dead), John Jackson, John Jefferson, and others. In addition to these there had been granted to about seventy proprietors about 40,000 acres of land. With the exception of thirteen grants, the rest were probably issued prior to 1624. These were as follows : —

In “The Territory of Tappahannock over against James Cittie.” *Living* : John Dodds at “the Neck of Land in Charles City ;” John Burrows at “Burrows Hill ;” Richard Pace, Francis Chapman and Thomas Gates at “Pace’s Paines ;” Capt. Samuell Matthews on his dividend ; John Baynham in “Elizabeth city ;” Mr. George Sandys (patented in 1624) and Edward Grindon in Jamestown, and Ensign John Utie (patented on Chippoake’s creek in 1624) on Hog Island. *Dead*, Capt. Wm. Powell (1624) and Robert Evers (1624) ; killed by Indians, John Rolfe (1622). *Dead or absent*, Capt. John Hurlestone (Hurdston, etc.) of the Bona Nova, and William Ewins owner of the Supply.

In “Hog Island.” *Living* : Mary Baily at “West and Sherley Hundred ;” Captain Ralph Hamor on “Hog Island.” The remainder of “Southampton Hundred in Hog I. planted.”

At “Archer’s Hope.” *Living* : Captain Roger Smith, Captain William Claiborne, John Johnson (patented in 1624), George Sandys (patented 1624) and John Jefferson in Jamestown ; Richard Kingsmill “at the Neck of land in James Citty ;” Richard Brewster then in England. *Lost* :

Ensign William Spence (in 1623). *Dead*: Joakim Andrews (in 1624) and John Grubb; killed by Indians (1622): John Fowler, William Fairfax, and Richard Staples. The George Perry who owned 100 acres here may be George Percy then in England.

In "Martin's Hundred," the names of the landowners are not given.

"Near Mulberry Island." Nathaniel Huatt (Hurt or Hall) probably dead; Mr. John Rolfe killed, and Captain William Pierce then living on his lands there.

"At Warrasquoake Plantation contayning downewards from Hog Island fourteen miles by the River side in which are these Pattents." *Living*: John Carter, in "The Maine;" Adam Dixon at "Pasbahaghs;" John Pollington at "Warrasquoake;" Captain Nathaniel Basse at "Basse's choice;" Anthony Barkham at "Mulberry I.," and Thomas Powell on the "Eastern Shore." *Dead or absent*: Christopher Daniel, John Berry, Thomas Winter, and Giles Jones.

"At Blunt Point." *Living*: Gilbert Peppet, John Baynham¹ (or Burnham), "Thomas Hothersall¹ of Pasbehay," Cornelius May, Percival Ibbison (or Ibotson, or Iverson) and Edward Waters¹ in Elizabeth City; Captain Samuel Matthews "over the river from Jamestown;" William Claiborne and Richard Tree at Jamestown; Ralph Hamor at "Hog Island." *Dead or absent*: Francis Gifford, Richard Craven, and Richard Domelaw.

"Below Blunt Point." Patents prior to June, 1624, to Captain John Hurlestone of the Bona Nova, Robert Hutchins or Hutchinson, John Southerne of Jamestown, and Sir Francis Wyatt. Patents in 1624 to Morris Thomson of Jamestown; John Salford, Pharao Flinton, William Bentley and Thomas Godby of Elizabeth City, and Lieutenant Giles Allington who was probably then in England.

Inhabitants. 204 free, 226 servants, 35 children and 10 negroes. Total, 475.

¹ Patented in 1624.

Houses. 78 dwellings. Jamestown reports 22 dwellings, 1 church, 1 merchant's store, and 3 storehouses. Also, "1 Large Court of Guard." "Over the water" reports 18 dwellings, 5 stores, 4 tobacco-houses, 1 stone house and 1 silk-house.

Cattle. 353 swine, 286 kine, 239 goats and kids; 1 horse and 1 mare, belonging to, or in the custody of, the governor.

Corn. 691 barrels corn; 4 hogsheads (1 hogshead = 9 bushels) and $52\frac{1}{2}$ bushels pease and beans; 1 hogshead, 1 barrel and 34,758 fish, wet and dry; 1 hogshead English meal; $7\frac{1}{2}$ hogsheads, 2 barrels and 12 bushels Virginia meal; 1 hogshead and 9 bushels oatmeal; butter, cheese, oil, vinegar, etc.; bacon flitches, etc., biscuit, etc.

Fortifications. Four forts are reported as being in the plantations across the river from Jamestown.

Arms. 350 snaphaunce pieces, 46 matchlocks, 20 pistols and petronells, 186 swords; 318 armors of sundry sorts; 7 corslets; 6 runnets and 10 pounds match; 341 pounds powder, and 2521 pounds lead. At Jamestown, "4 pieces of ordnance mounted; 16 Quilted Coats; 77 Coats of Male, the rest dispersed in the countrie."

Boats. Report incomplete.

IV. *The Corporation of Elizabeth City.*

Public lands. 3000 acres of company and 1500 acres of common land, with the several glebe lands. The company and common lands were on the eastern side of Southampton (now Hampton) river.

Private lands. There were over thirty-five landowners to whom over 12,000 acres of land had been granted. Sixteen of these grants had been issued by Governor Wyatt between June, 1624, and January, 1625; these were (on the north side of James River) to John Taylor, John Powell, Captain William Tucker, Robert Salford, John Bush, Lieutenant Lupo, Elizabeth Lupo, Thomas Spilman, Mr. William Claiborne, Thomas Bouldin, Mary Bouldin,

Peter Arundell, Bartholomew Hoskins and Rawley Crashaw (or Crashaw); (*on the south side of James River*), to John Sipsey (Sibsey, Sibley, Sidley?) and Lieutenant John Cheesman or Chisman. These men were all living in February, 1625. *Patents prior to 1624 (on the north side of the river)*: Daniel Gookin and others at New Port Newce 1300 acres planted; Rev. Mr. Keith, Richard Boulton, John Salford, Miles Pricket, William Julian, Alexander Mountney, William Cole, William Brooks *als* Morgan, Eliza Donthorne, William Gany, William Capps, and John Gundy (or Gunnery, or Gundrie) all living; and Edward Hill who died in 1624, and William Landsdell who was probably dead; (*on the south side*): the old landowners were Thomas Willoughby (who also owned lands on the north side about two miles within the mouth of Pamunkey River), John Downman and Captain William Tucker then living in "Elizabeth City;" Thomas Chapman, living at "Jordan's Jorney;" and Thomas Breewood, who had been killed by the Indians in 1622.

Inhabitants. 235 free, 157 servants, 43 children, 2 Indians and 6 negroes. Total 443.

Houses. 99 dwellings and 21 storehouses.

Cattle. 22 swine, 74 kine, and 79 goats.

Corn. 793 barrels of corn (1 barrel = 5 bushels); 4 hogsheads and 13 bushels pease and beans; 17,200 fish, wet and dry; $4\frac{1}{2}$ hogsheads and 2 barrels meal, and 1 barrel oatmeal.

Fortifications. No report.

Arms. 408 snaphaunce pieces; 11 matchlocks; 41 pistols and petronells; 187 swords and several rapiers; 144 armors of sundry sorts; 11 corslets and 1 target; 324 pounds powder, and 5979 pounds lead.

Boats. Reports incomplete.

V. *The Eastern Shore over the Bay.*

Public lands. The company's and the secretary's tenants were there seated on the respective lands; but it had

not been laid out (surveyed) for them as in the other four corporations.

Private lands. John Blower (Blow, or Blore), 150 acres "on old plantation creek;" "Ensign Thomas Savage his Divident," he was then living there; Sir George Yeardley, at Hunger's, 3700 acres of land by order of court, and "certaine others had planted there but no patents had yet been granted them."

Inhabitants. 32 free, 17 servants and 2 children. Total 51.

Houses. 20 dwellings and 17 stores. The settlers in "Elizabeth city beyond Hampton River," and on "the Eastern Shore" report almost as many stores as dwellings. They may have been traders with the Indians.

Cattle. Two hogs only reported, and they belonged to Captain William Epes.

Corn. 245 barrels; no other provisions reported.

Fortifications. One fort reported.

Arms. 34 snaphaunce pieces; 1 pistol; 3 swords; 28 armors; 155 pounds powder and 646 pounds shot.

Boats. Report not complete.

The following may be given as samples of the private reports.

Sir Francis Wyatt "on the plantation at Pasbehaighs" reports "14 bbls corn, 2000 fish, 8 snaphaunce Peices, 2 matchlocks, 4 Armours, 1 Jack Coat, 2 Coats of mail, 1 steel coat, 1 corslett, 2 good head pieces, 10 lbs powder and 60 lbs shott [no report as to number of houses, boats, etc.]." At his residence in Jamestown he reports, "10 bbls corn, 4000 fish, 20 lbs powder, 180 lbs lead and shot, 6 snaphaunce pieces, 6 armors, and 6 swords; 6 cows, 1 Bull, 3 yearlings and calves, 1 horse, 6 breeding sowes, 14 young swine; 1 dwelling house and 1 store."

Sir George Yeardley reports as having in Jamestown and on his plantation, "20 bbls corn, 12 bushels peas and beans, 50 neat cattell [the largest owner; the next was

Abraham Peirse, who reported 27], 40 swine [the largest owner; the next was Edward Blaney, who reported 29], 8 goats and 3 kids, 20 lbs. powder, 100 lbs. lead, 30 snap-hance pieces [George Sandys reported the same number; Edward Blaney 29; Captain William Tucker 24; Captain William Pierce 24; Captain Samuel Matthews 18], 40 Swords [Captain William Pierce reported 30, and Abraham Peirse 22; no one else returned over 20], 10 Armours, 5 houses, A Barque of 40 tun 7 men belonging to her, A shallop of 4 tunn and a skiffe."

Mr. George Sandys, the Treasurer, reports "100 barrels corn [this is the largest quantity of corn reported by any one plantation; the next is 70 barrels by Abraham Peirse, and the next 65 barrels by Captain William Epes], 20 pounds powder, 300 pounds lead and shott, 30 snap-hance pieces, 1 piece of ordnance, 30 Armours, steel coats & coats of mail [Captain Samuel Matthews reported 24, Edward Blaney 17, William Epes 16]; 20 swords; 9 goats and 6 kids; 2 swine; 2 dwelling houses, 2 stores with other cabbens, 1 house framed for silkworms, 1 Garden of an acre & a half, 1 vineyard of 2 acres, and 1 large fort." At his own plantation there were "1 large fort palled in, 1 piece of ordnance mounted, 1 dwelling house and 4 other houses."

The houses were generally of wood; but Zachary Cripps, who lived over the river from Jamestown, reports "1 stone house," the only one reported. The dwelling-houses in the various plantations are frequently reported as being "within pallisadoes."

There were at least four John Smiths living in the colony, one of them being an old planter in good circumstances, having 12 barrels corn, 1400 fish, 1 pound powder, 30 pounds shot, 1 snaphaunce piece, 2 matchlocks, 1 armor, 1 coat of steel, 2 coats of mail, 1 swine and 2 houses.

As the reports do not give the number of acres of land in the various "dividents," it may not be known who was the largest landowner in Virginia. Tobacco was then, as

now, "the money crop" of Virginia; but as it is not included in the report I do not know who was the largest owner of that commodity. I infer, however, that Sir George Yeardley was the richest man in the country. Sir Francis Wyatt and Mr. George Sandys had control of as much as officials, but not as individuals.

Summary.

Public lands. The lands for the company, colony, church, university, college, and free school. (With the exception of the glebe lands, which continued to belong to the church, and the governor's lands, which I think continued to belong to that office, the public lands passed to the crown and were afterwards parceled out and granted by patents as other lands.)

Private lands. About 200 owners of about 80,000 acres of land. But the company had issued many patents to many societies and hundreds, the records of which were kept privately; and I have not sufficient data to enable me to give the status of these "particular private Plantations and Hundreds," such as "Chaplain's Choice," and "Jordan's Journey," Southampton, and Martin's Hundred. See note, p. 628.

Inhabitants. Free, 432 males and 176 females; servants, 441 males and 46 females; total, 1095 emigrants; 107 children, making 1202 English. 2 Indians; 11 negro men, 10 women and 2 children = 23 negroes. Grand total, 1227.

Houses. The reports were not complete (not at all so save as to dwellings); "but they were sufficient for the people that are now there, the fabricke whereof they have much amended within these last two years."

Cattle. Tame swine about 526; cattle about 500; goats and kids about 300; 1 horse and 1 mare.

Corn. 2237 barrels = 11,185 bushels for man and beast; "no more than sufficient to bring the year about," but they intended trading for corn with the savages in

the bay. The reports as to the other victuals were only partial.

Fortifications. "They have none sufficient against a stronger enemy than the savages and against them only houses impaled."

Arms. 982 snaphaunce pieces, 57 matchlocks, 68 pistols and petronels; 431 swords, besides rapiers, daggers, hangers, etc.; 661 armors of the several kinds, besides corslets, targets, etc.; $1\frac{1}{2}$ barrels and 1012 pounds powder, and 9758 pounds lead, shot, etc. "Of arms offensive they had sufficient; defensive not half enough, and were in great want of powder, but of lead to make small shot they had enough for the present." "They had 33 pieces of ordnance, whereof about ten mounted; 26 murtherers and Bases, with several fauconetts and chambers." The report only pretends to be complete as to "pieces," armours, powder and lead. Many plantations made no report on side arms, pistols, swords, etc.

Boats. "They were reasonably well provided with boats;" but many plantations did not give them in, and only 38 boats, 2 shallops, 1 barque, 1 skiff and 1 "canow" are reported.

Note. The private societies and hundreds must also be considered in this summary. I have given an outline, in Part I., of those patented before 1619. The following list of those granted during 1619-1624 is given in the order of sealing. All of the patentees had "divers partners with them whose names and several shares" have not been preserved, and it may be that some of the patents stood on the Virginia records in the name of one of these partners.

Scaled between May, 1619, and July, 1620.

1, Southampton Hundred; 2, Robert Heath, recorder of London; 3, "Master Wincoppe;" 4, "Master Tracie;" 5, Doctor Bohun; 6, "Master John Pierce;" 7, John Delbridge; 8, John Poyntz or Pountis; 9, John (and his son Maurice) Berkeley; 10, John Bargrave; and 11, John Ward.

Scaled between July, 1620, and May, 1621.

12, William Herbert Earl of Pembroke; 13, Sir Richard Worsley; 14, Sir Richard (and his son Thomas) Bulkeley; 15, Sir William Mounson; 16, Sir William Newee; and 17, Ralph Hamor.

Scaled between May, 1621, and June, 1622.

18, Lady Dale; 19, Sir Dudley Digges; 20, Sir John Bourchier; 21, Rowland Truelove, Francis Waterhouse, John Elkington, Tobias Cooper, James Berket, Richard Perry, Thomas Waterhouse, John Lake or Leake, Thomas Owen or Owens, John Cocks or Cocke, William White, Tobias Johnson, and Lawrence Leigh; 22, "John Crowe of Newton, in the county of Wexford, in Ireland Esquire;" 23, Edward Rider; 24, Simon Leake; 25, Daniel Gookin; 26, Edward, Richard, and Robert Bennett, Thomas and Richard Wiseman, and Thomas Ayres; 27, Joseph Leminge (?); 28, "Sir Charles North of Wakringham, in the county of Nottingham;" 29, Sir George Yeardley; 30, Thomas Leveson or Lauson; 31, William Weldon; 32, "Henry Southey of Rimpton, in Somersetshire;" 33, Martin's Hundred; 34, Robert Moston or Moulston; 35, Edward Wynne; 36, Henry Pelham; 37, Daniel Tucker; 38, Sir Bowyer Worsley; 39, Francis Harwell; and 40, "Sir John Brook *als* Cobham."

Scaled between July, 1622, and May, 1623.

41, Lady Berkeley; 42, "Thomas Addison of Lincoln's Inn, in the county of Middlesex Esquire;" 43, Edward Johnson; 44, Edward Palmer of the Middle Temple; 45, William Felgate; 46, Francis Peeke or Peeke; 47, John Harvey; 48, John Pemberton; 49, William Rowsley; 50, Christopher Hillary; 51, "James Stewart (or Stuart) of Buchan in Scotland, Esquire;" 52, "Thomas Graves of Dublin in the Realm of Ireland, gent.;" 53, Samuel Matthews; 54, "Christopher Levett of Sherburne in the county of Dorset, gent.;" 55, John Palmer; 56, "William Dilke of Clements Inn;" 57, Francis Baldwin; 58, James Habberly (?); 59, Arthur Levellis (?); 60, John Martin; 61, "Mr. Roper, Mr. Fitz Jeffreys and others;" 62, Francis

Harwell ; 63, Thomas Moore ; 64, Richard Norwood ; 65, Edward Hurd ; 66, John Fills or Fields ; 67, John Blyth ; and 68, John (son of Captain Christopher) Newport.

Sealed after May, 1623.

69, John Zouch ; 70, Clement Dilke ; 71, John Proctor ; and 72, " John Prynne of London marchant."

All of the foregoing patentees " together with their associates undertook to transport great multitudes of people and cattle to Virginia ;" but they were much interrupted in carrying out their contracts by the conduct of the crown after 1622. Some of the patentees were adventurers, others were planters. Several received, during 1616-1624, more than one patent.

It must be noted that the foregoing statement and summary has been compiled almost entirely (1) from the reports of the royal commissioners, who were not disposed to make the state of the colony more favorable than it was, and (2) from incomplete data, the reports being only fairly complete as to people, lands, cattle, swine, corn, fish, arms and ammunition. Other things are sometimes mentioned, but as to them the report is evidently very incomplete. It must also be remembered that a great part of the cattle, horses, hogs, goats, etc., had been destroyed by the Indians during the massacres of 1622 and since.

The Church of England was the church of the colony ; but there was " liberty of religion," some of the emigrants being nonconformists, and some of the ministers were " Independents." No report, however, as to the condition of the church in Virginia at this time has been found, and this is especially to be regretted. The early ecclesiastical history of the colony is probably even more incomplete than the secular. The scattered references collected before me are too meagre to justify me in attempting a sketch of the state of the church in Virginia in 1625. I am quite sure, however, that there were churches, or chapels, in each of the four great boroughs, and on the eastern shore ; and also in several of the hundreds and private plantations. In the reports the ministers are not designated by their title,

“Reverend” or “Rev.,” and therefore I do not know how many there were living in 1625, but among them were the Reverends Francis Bolton, George Keith, Greville Pooley, David Sands or Sandys, Jonas Stockton, Hawte Wyatt, and others.

The Rev. Robert Hunt seems to have been the only minister sent out under the crown ; but it seems certain that each one of the large expeditions sent out by the company carried one or more ministers, and equally certain that even the names of some of them have not been preserved. Rev. Richard Buck is the only name preserved of those who came in the fleet of 1609. The name of Lord De la Warr’s minister, who came in 1610, is not known. Rev. Alexander Whitaker and the Rev. Mr. Pool (or Powell) came with Dale in 1611 ; the Rev. Mr. Glover with Gates in the same year ; and Rev. William Mease and William Wickham probably came at the same time. Rev. George Keith probably came with Argall in 1617. The list preserved of those who came with the large emigrations of 1618–1623 is evidently very incomplete. In 1618, Rev. Thomas Bargrave ; 1619, Rev. Robert Paulett ; 1620, Rev. David Sands or Sandys ; 1621, Revs. William Bennett, Francis Bolton, Jonas Stockton, Thomas White, and Hawte Wyatt ; 1622, Revs. William Leate or Leake and Greville Pooley, and probably Rev. Mr. Hopkins and Rev. Mr. Pemberton ; and in 1623, Rev. Mr. Fenton, Rev. Henry Jacob, the founder of the first Independent church in London, and probably Rev. Robert Staples, and many more now unknown. The history preserved little of the devoted acts and services of any of them in the colony ; yet nearly all of them gave their lives to the enterprise and were among the first martyrs to the cause of Christ in this country. Although I have not found sufficient evidence to enable one to write a particular account of the state of the churches and of the acts of the clergy in Virginia, all evidences as yet found show that the church and her ministers were held in great reverence both by the officials and the people of the colony. That the ministers performed

their duties during the trials which constantly confronted them cannot be doubted. They crossed the Atlantic for that purpose.

Although we have not all of the particulars, we know that the first university, the first college, the first schools, both for the English and the Indians, and the first hospitals, charitable institutions, etc., in this country were embraced in the designs of the company. And notwithstanding that these enterprises had to contend against the usual disasters, the managers continued to prosecute them with their usual perseverance until their whole proceedings were put a stop to by the interference of James I. This prevented them from being carried forward to full or final success ; but the facts reveal the motives of the managers in these premises, and must have left a favorable impress on the colony. The desire to educate the natives in order to make good citizens and Christians of them was weakened by the massacre of 1622, but the motive was a most laudable one, and the desire to carry it out with the friendly Indians continued to obtain in the company.

In brief, although the king put a stop to their proceedings even before many of their plans were fully developed, and the Privy Council succeeded in obscuring many of the objects, ideas, and accomplishments of the company by licensing incorrect histories and by concealing or destroying most of their records, sufficient evidence has now been found to show that the planting of the first republic in America under the popular charters, drafted by Sir Edwin Sandys, was in every way a most interesting — and to us the most important — event in our annals. When the colony was resumed by the crown “the present Estate of Virginia was but small,” yet it was sufficient for its destined purpose. The managers of the company in England and in America had planted colonies in North and South Virginia, and in so doing, under the authority derived by them from their charters, had laid the true foundation of the new nation in the new world, upon which it has grown to be the greatest nation in the whole world.

RESUMED BY THE CROWN

CONCLUSION

ENGLAND AND VIRGINIA, JUNE, 1624 — FEBRUARY, 1627

JAMES I., JUNE 26, 1624 — APRIL 6, 1625; CHARLES I., APRIL 6, 1625 — FEBRUARY, 1627

AFTER the decision in the *quo warranto* case it was reported that the late administration of the Virginia Company proposed pursuing "a rule or ruin policy," and on July 2, James I. wrote them this letter: "You have opposed our course for reforming the abuses of the plantation. You have complained of my commissioners and of those that have informed both me and them whereby these abuses might be redrest. . . . And that nothing but your own ways are grown plausible. We have for the present thought fit to let you know that we will expect a strict account of you if the work do perish under your hands. And therefore require you so to proceed in the quiet & orderly management of those affairs and make seasonable supplies for the releaf of the Colony before winter, that we may not have hereafter more cause added to the former to let you feel the effects of our just displeasure."

The reformation then intended (or so pretended) was that the company should be for the trade, but should not have the government of the colony, "the popularnes" of the company's government being especially displeasing to his Majesty. On July 4, the lord president of the Privy Council issued the following order: "His Majestie did this day declare His pleasure in the presence of their Lordships — That whereas, the Charters of the late Corporation of Virginia were this last Term upon a Quo Warranto brought

by Mr. Attorney General in the King's Bench overthrown — His Majestie was resolved to renew a charter [to the company] with the former priviledges, and with amendment of such Imperfections as concern ye Government of ye Plantation and Colony, and that His Majesties gracious Intentions is that all possible care & Industry be used as well in the framing of the said Charter as in giving other provident & good directions for the government & preservation of the said Colony : —

“ And therefore His Majesty order & appoint, with the advice of the Board. The Lord President Montague, Lord Pagett, Lord Chichester, Mr Treasurer Edmonds, Mr Comp-troller Suckling, bothe ye Principall Secretarys of State [Conway and Calvert], Mr Chancellor of the Exchequer Weston, M^r Chancellor of the Duchy May, Mr Attorney Gen^l Coventry, Mr. Solicitor Gen^l Heath, Sir Robert Killigrew, Sir Thomas Smith, Sir Francis Gofton, Sir John Wolstenholme and Alderman Johnson, or any six of them, whereof two to be of His Majesty's Privy Council, to assemble and meet together as often as they shall think fit, and to confer, consult of, resolve and expedite all affairs and necessary expedients concerning the well settling of the said Colony of Virginia, and to take care and give order for the direction and government thereof, and from time to time to certify their proceedings & doings concerning the same to His Majesty, or this Board for further direction therein, untill His Majesty shall take other order.”

On July 6, the commission appointed to advise upon a fit patent to be given to the Company of Virginia for settling the affairs of Virginia ordered “ Mr. Farrar, Deputy for the late company of Va. to bring in all the Patents, Books of accounts, together with the Invoyses concerning the late Corporation of Virginia, and the lists of the people there — to the council chamber to be there kept by the Keeper of the Council chest till further order should be given.” And at the same time they also ordered “ that all the Stocks, Arreages, etc, due upon Accompts allowed or

not allowed, merchandise, profits of lands, and other emoluments whatsoever belonging to the publique of the late corporation of Virginia into whose hands soever they shall come, shalbe reserved and accompted for to his Majestie and to the Commissioners appointed by him, for the use of the corporation which his Majesty intendeth of newe to erect for the Plantation of Virginia.” These emoluments reverted to the crown ; the new corporation was not formed. The king had now virtually taken to himself the result of the labors and expenditures of the company ; and, as a climax to the misfortunes of that great corporation, on July 22, Captain John Smith, who had favored the royal form of government, who had opposed the granting of their charters, criticised their management of the business, and justified the king in resuming the government, was licensed to publish the history of their enterprise, which had been written from his standpoint.

After Smith's return from Virginia in 1609, he became a servant to Edward Seymour, Earl of Hertford, who had not taken an active part in the colonial movement, and he aided Smith in having his Oxford tract published in 1612-1613. Seymour died in 1621 ; his widow married the Duke of Lenox, who died in February, 1624, and she was the patroness of the general history. She was then aspiring to the hand of the king, and it was through her hands that Smith's history was presented to his Royal Majesty.¹ It is a principle of the Constitution of Great Britain that “the king can do no wrong,” and history in the past has been, in a large degree, what kings and potentates have done, frequently written to their order, always subject to their revision and to the sanction of their Privy Council. James I. regarded Sir Edwin Sandys as his “greatest enemy,” and said “he could hardly think well of whomsoever was his friend.” Certainly no real history of this popular movement could have been licensed at that time, when it was necessary for the king and his Council, in order to justify

¹ This presentation copy is still preserved.

the recent decision of the royal commission and the court of the King's Bench, as well as their own acts in the premises, to require that "the history" should suppress the truth of history, and conform to the royal ideas before it could be licensed. And the licensed historians were Captain John Smith, who had served in Virginia only under the crown, and the Rev. Samuel Purchas, the chaplain of Archbishop Abbot, who was the head of the Privy Council, for which the historians were virtually spokesmen. If their books had been objectionable to James I. (who had just silenced the House of Commons itself in an effort to get at the truth of this same matter) they could not have been licensed; if they had been published privately they would have been burned, as were the books of Sir Edwin Sandys. Thus it will be seen that it was and it is largely a matter of "under which king." The same elements that insure to a "history" of this movement the support of those who look from the standpoint of the crown, condemn it as such to those who look from the point of view of the company. It is needless to go into endless controversies. Laying aside old prejudices, we must decide for ourselves which is the right view for us to take.

Although it came to pass that Smith's book became almost the only source from which we have derived knowledge of the infancy of our State, it was probably Purchas rather than Smith whom James I. regarded as the historian of the colonial movements. In the dedication of the last edition (1626) of his "Pilgrimage" to King Charles, Purchas writes: "Your Royall Father (of ever blessed memorie, the King of learned and Learnings kings) manifested so much favour [to the former editions of the book], as to make it Ordinarie of his Bedchamber; where upon occasion of those later Volumes [the four volumes of 'Pilgrimes'] then presented, he questioned the difference, and professed freely that he had read this worke *seven times*, giving thereof a present testimonie in his learned discourse and censure. No lesse did hee promise touching the *Pilgrimes*, which

he made his Nightly taske, till God called him by fatall sicknesse to a better *Pilgrimage* and of a more enduring Kingdome; even *the last day in which that Sunne yeelded his present rayes to this citie, sending an Honourable messenger with a favourable message of his gentle approbation and incouragement. Such a testimonie is a King of Testimonies, and no lesse reward to the Author, then Commendation of the Worke to his worthy Heire, and to all English Readers.*" James I. had permitted his picture to be engraved on the title-page of Smith's history, and it may be supposed that he also made the copy presented to him by the hand of the grand duchess "ordinarie of his Bedchamber," and indorsed it "with a favorable message" by the fair messenger; for although Purchas gives a more generous view at certain periods of the enterprise, and is more pronounced in giving honors to James I. than is Smith, the general idea conveyed by both works is nearly the same. In fact, there was evidently some literary connection, as Purchas depended on notes supplied by Smith for a large portion of his account of the American colonies.

The primate of all England (to whom Purchas was chaplain, and to whom he dedicated the first edition of his "*Pilgrimage*") and other ministers at that time regarding James I. as "the Defender of the Faith," naturally opposed all encroachments upon his royal prerogative, and thus were mainly instrumental in obscuring the acts of those broad-minded churchmen who planted civil and religious liberty in America.

On July 25, James I. added forty new members to the originally appointed commissioners (of July 4) and gave them a regular commission for regulating Virginia affairs, in which he reviews his own course in the premises; his royal charter and instructions, etc., of 1606; the company charters of 1609 and 1612; the commission of May, 1623, and their report of July, 1623, advising him to resume the government, etc.; the refusal of the treasurer and company to surrender their charters; his resort to a *quo war-*

ranto, and his resolution to issue a new charter, etc.; in which and in other Virginia matters the said commission was to advise and assist him. This commission was also ordered to take into their hands and to keep all of the company records; "all Bookes, Orders, Letters, Advices, and other Writings and thinges in any wise concerning the said Colony and Plantation, in whose handes soever the same be, requiring all persons to deliver the same to you . . . willing and requiring you to be dilligent and attendante in the execution of the same."¹

About thirty members of this commission met at Sir Thomas Smythe's house on July 26, and appointed Henry Fotherby, clerk, and Thomas Newton, beadle, to the commission. It was ordered that the commission should meet at Sir Thomas Smythe's house every Thursday in the afternoon at two. All the charters, books, and other writings, the seals of the company, etc., were "to be forthwith brought to this place and left here in the custodie of the Clerke for this commission."

Among the things to be considered were:—

"1. What course is fittest to settle the government there?

"2. What supplies are necessary, etc.?

"3. What is fit to be done for their defence, etc.?

"4. What comodities can be raised there for the present and what for the future."

It was deemed "absolute necessetye for the present maintaining of the plantation by their tobacco, as the only present means for their subsistence that all foreign tobaccos should be excluded from the English market."

"And it is further ordered that no ship shall go from hence to Virginia (whereof 2 or 3 are already in preparation) untill a resolution be taken for settling the business there, lest the Report of the dissolution of the former government might breed a confusion there, before the settling of a newe."

¹ See Hazard's *Historical Collections*, vol. i. pp. 183–188.

They met again the next day, and continued to meet every Thursday or oftener. They soon determined, in order to prevent such distractions and confusions in Virginia as might happen by various rumors and reports, that the king ought "to send *a like commission to Virginia* appointing and authorising such other discreet persons residing in the parts of Virginia as his Majesty should think fit to be his present Council for the ordering, managing, and governing of the affairs of that Colonie and Plantation and of the Persons there already inhabiting, until some other constant and settled course be resolved upon and established by his Majestie."

This special "like commission to Virginia" as first drawn was to Sir Francis Wyatt, Francis West, Esq., Sir George Yeardley, George Sandys, Roger Smith, Ralph Hamor, John Potts, John Martin, John Harvey, Samuel Matthews, Abraham Peirse,¹ Isaac Madison and William Claiborne, "Governor and 12 Assistants," that is, "thirteene councellers in Virginia," as in the original royal commission of 1606; but before it was signed by the king on September 5, the name of "Mr Pottes" was left out at the request of the Earl of Warwick (whom "the king had especially entrusted in the Va. business"), because "he was the poysoner of the salvages thear." In this Virginia commission, as in the former English commission, the king reviews his own course in the premises, — the granting of his royal charter and giving of his royal orders in 1606; the company charters; the commission and their report; his determination to resume the government. The governor and Council were to conduct the colony under such instructions as "such of you, as have been heretofore of our Councell there, have received, or according to such instructions as you shall hereafter receive from Us, or our Commissioners here to that purpose or intent." The commission was to continue only during the royal pleasure.² The document

¹ Harvey, Matthews, and Peirse had been members of the royal commission of 1623-1624, in Virginia.

² See Hazard's *Historical Collections*, i. pp. 189-192.

was at once sent to Virginia by "the good ship called the Anne of London," James Carter, master.

Mr. George Wyatt, the father of Sir Francis Wyatt, died shortly after this, and, on September 28, the king granted Sir Francis liberty to return to England for his own private business, and appointed Sir George Yeardley to be governor in his stead, and on his death John Harvey, or, failing him, any one of the Council there chosen by the majority.

The royal commission in England continued their investigations in the interest of the new royal charter, etc.; but under divine Providence delayed making their final report until they had received Harvey's final report from Virginia, and so it happened that "both the commission, and the renewing of the Royal charter expired by reason of the King's death which then suddenly ensued."

James I. died April 6, 1625, and was succeeded by Charles I., who, in the place of the former royal commission, soon appointed a committee of his Privy Councilors, called "The Lords Commissioners for the affairs of Virginia," to whom Captain John Harvey, having recently arrived from Virginia, delivered his "Declaration of the State of Virginia at my comminge from thence in February last," 1624.

Lord Carew and Sir Edward Conway were appointed a special committee to consider that part concerning the security of places and persons, the erection of forts and maintaining of forces. On May 9, Sir Edward Conway wrote to Sir Thomas Smythe asking him "to send such persons, Maps, relations and papers,¹ which may be with you and of use to us in our proceedings."

Charles I. (unlike James I.) was on especially friendly terms with Sir Edwin Sandys and Mr. Nicholas Ferrar, who, as we have seen, took his part against Middlesex after his return from Spain, in the controversies in the last Par-

¹ The documents probably had reference to the time prior to the year 1619; the regular company records had already been stored away in the Privy Council chest.

liament of James I.; and the Privy Council of Charles I. soon turned aside the Smythe party, at least to a certain extent, and called the Sandys party into consultation and asked them for their opinion relative to what had been the two leading bones of contention.

“*The first*, our opinion touching the best forme of Government to be here established for ye affaires of Virginia.

“*The second*, an offer to be made for such a contract touching tobacco with his Majestie as might both uphold his former Revenue and not be grievous to the Plantations.”

To these questions they replied between April 25 and May 5, 1625, in a long document indorsed as “The Discours of the Old Company of Virginia,” in which the whole field is gone over from the point of view of that party. “The second” was really the chief cause of the rupture between the Smythe and Sandys parties in the company, but it is not necessary to consider it farther in this book. The reply to “the first” was to the purport that his Majesty should not have a new charter and a new company, but that he should reinstate the old company. It is a very strong party paper, and consequently very unjust to the first administration (Sir Thomas Smythe’s) of the company. After receiving this “Discours,” the reports from his Privy Council board, and from the special committees, on May 23, Charles I. issued his “Proclamation for settling the Plantation of Virginia;” which is in part a reply to the “Discours.” He was more friendly to the company, and especially to the Sandys party, than James I. had been for some time previous to his death; but he also was now determined “to resume the government,” or rather was fully resolved that “there should be one uniform course of government in and through all our whole Monarchie. That the Government of the Colony of Virginia shall immediately depend upon our Selfe, and not be committed to any Company, or Corporation, to whom it may be proper to trust Matters of Trade and Commerce, but cannot be fit

or safe to communicate the ordering of State Affairs be they of never so mean consequence," etc. He had come to "the same Judgment that our said Father was of, for the Government of that Colony of Virginia," and he intended having a Royal Council in England and another in Virginia, etc.; but "he did not intend to impeach the interest of any Adventurer or Planter in Virginia." James I. had resolved against the popular government in Virginia. Charles I. had now apparently done likewise; but the seed had been planted in America; it had germinated; the seedling was growing, and was going to continue to grow until it bore fruit.

May 25, the Privy Council wrote to Virginia for a more complete list of all the titles and estates of land, public and private, in Virginia, than had been returned by Harvey.

June–August, the first Parliament of Charles I. was in session.

September 14, Sir Thomas Smythe died.

The Anne returned from Virginia about October 12, with a letter from the governor and Council in Virginia — dated James City, June 25, 1625, and directed to the Privy Council in England; together with "*the petition of the Governor Counsell and Colony of Virginia assembled together*. To the King's most excellent Majestie" — which was sent by Sir George Yeardley; who was to prefer in person the said petition and sundry relations to the king's most gracious survey. Owing to the death of Mr. John Pountis, who had previously been sent to prosecute their suit before the king, and to the fact that some of the same persons of whom they had complained were joined in "the Kings commission for governing of the affairs of Virginia," they thought that their former petition and relations were never presented to his Majesty, and therefore they appealed to him again. (They had received copies of his English commission of July 25, and the originals of his Virginia commission of September 5, and of the license for Wyatt's return of September 28, 1624.) Their petition ends: "We

humble therefore beseech your Majestie to affoord a gracious hearing to the said Sir George Yeardley, and to refer the examination of our cause to the Right Honourable William Lord Paget, Sir Richard Weston, Knight, chancellor of the Exchequer, Sir Humphrey May, Knight, chancellor of the Dutchie, and Sir Robert Killegrew, Knight (they being appointed Commissioners by your Majestie for the affaires of Virginia) to make report thereof to your Majestie." With the exception of Weston, they had all been active members of the party of Sir Edwin Sandys. This petition was to James I., it not then being known in Virginia that he was dead.

On October 14, a day or so after his arrival in England, Sir George Yeardley sent a petition to Charles I. about the Virginia business, and asked that he might attend upon the Privy Council "and declare unto them the estate that the said Colony now remaineth in whereupon such further order may be taken, not only for the present, but also for the future preservation and subsistance of the same, as to your Majestie shall be thought most meet."

Of the divers heads whereon he was to move the lords of the Privy Council the following are among the most important, and from these it will be seen that the popular seed had already germinated in Virginia.

"2. The encouragement of the people there by the security of their estates, in granting a *New Patent* to confirm all their dividends of Land with all such priviledges as formerly they enjoyed and with more ample as their Lordships shall think meet, and for the full assurance thereof to have it *confirmed by act of Parliament*, else they will think it may be revoked as the former."

"8. To avoide the oppression of Governors there ; that their *liberty of Generall Assemblies* may be continued and confirmed, and that they may have a voice in election of officers as in other corporations."

On October 24, the Privy Council wrote a long letter to the governor and Council in Virginia as to what they were

doing, and intended to do, for the colony. "And whereas his Majestie is graciously pleased to authorise Sir Francis Wyatt knight to be the governor there, and such as are now employed for his Majesties Counsell there to have authoritie to continue the same employment during his Majesties pleasure. His Majesties farther pleasure it is that all judgments, decrees, and all important actions be given, determined and undertaken by the advise and voices of the greater part. And that all be done *in his Majesties name* who out of his princely care of the good of the Colony doth take all the country and people *into his royall protection and government,*" etc. The Privy Council wrote another letter on November 3, declaring to the colony "that the King's pleasure was to preserve every man's particular right, and *the Planters to enjoy their former priviledges*; with addition of *other requisite immunities*; encouraging, also, the Planter to discoveries both by sea and land; and to perfect the Trade of Furs." Which letters were taken to Virginia by the Virgin, of Southampton (possibly the first ship sent under Charles I.); and, according to their lordships' commands, were, upon the arrival of the ship, published in Virginia.

Late in February, 1626, the Flying Hart, of Flushing, returned from Virginia with a letter from the governor and Council there, dated "James Cittie 13 Jany 1626," and addressed to "The Lords commissioners for affairs of Virginia." They state that the ship had been "set out by Mr Arthur Swaine & William Constable adventurers of the Company," and had arrived on December 25 last, with no commission for the ship "nor any letters or directions at all to guide our proceedings;" but "notwithstanding these irregularities the substance of the news they bring is soe joyfull and welcome, as after many discomforts and perplexities, hath revived the hearts of all men — Namely that it hath pleased God, to place in ye Royall Throne our gracious Sovereigne King Charles (whose happy Raigne, God of his Mercy long continue over us). Who not only in

piety, justice and wisdome, treads in the steps of his Royall father of famous memory, but also in his affection and favour to this hopefull Colony, not only by continuing the favors formerly graunted but by adding to & enlarging them and taking the care thereof amidst the multiplicitie of his great affairs into his more near and special consideration which gives us assured hope that our humble petitions formerlie exhibited shall [now] have a favourable admittance, and such order taken therein as may best conduce to the advancement of the Plantation," etc. It is probable that many in Virginia really rejoiced at the death of James I. and the succession of Charles I.

In the letter they tell a good deal about what was going on in Virginia. "Captain [Thomas] Jones had arrived about the middle of July last in a Spanish friggott, which he had taken in the West Indies under the Commission of the States, as he pretended, graunted to Capt. [John] Powell, from whose consortship he separated himself, and put in here for reliefe," and died soon after. The governor states that his private estate will oblige him to return to England as soon as possible; that he had been enforced for want of advice and a new commission to proceed according to "ye former," and "We humbly desire that our continuing the same forme and course of our proceedings, may be interpreted as done out of necessity least the Colony (in the interim) should suffer for want of due order and Government."

March 14, 1626, Charles I., "being forced by many other urgent occasions (in respect of our late access unto the crown) *to continue the same means that was formerly thought fit for the maintenance of the said Colony and plantation*, until we should find some more convenyent means upon mature advice, to give more ample Directons for the same, and reposing assured Trust and confidence in the Understanding, Care, Fidelitie experience, and circumspection of" them, appointed Sir George Yeardley to be his present governor, and John Harvey, Francis West,

George Sandys, *John Pott*, Roger Smith, Ralph Hamor, Samuel Matthews, Abraham Peirse, William Claiborne, William Tucker, Jabez Whitaker, Edward Blaney, and William Ferrar his present Council in Virginia (with very much the same powers as previously granted in the royal commissions since 1624), and "William Claiborne to be our Secretarie of State, of and for the said Colony and Plantation of Virginia." There had been no secretary of state in Virginia since the death of Christopher Davison. Claiborne was the first to hold that office under the crown. In the case of Yeardley's death, John Harvey was to succeed him. If Harvey then died, West succeeded him. In the Council the majority ruled.

April 29, the king and his Privy Council issued instructions to the new governor of Virginia, who sailed shortly thereafter on board the *Anne* in consort with the *James*.

The *Virgin*, of Southampton, had arrived in Virginia on April 2, with letters from the Privy Council of November 3, 1625, which were gratifying to the officials in Virginia, and on April 16, the governor and Council sent their reply by the returning ship: "Thanking his Majestie for his gracious pleasure that those complained of should have no hand in the government either in Virginia or in England; suggesting that the ordering of affairs in Virginia should be left to the Governor and Council, with the advise (in speciall cases) of *the General Assembly*," etc.

On May 27, the governor and Council again wrote to the Privy Council, in which letter they attribute the slow growth of the plantation to the government being divided between England and Virginia, and again suggest that certain colonial affairs should "be whollie at the disposal of the Governor, Counsell and *General Assembly in Virginia*." This letter with "The Titles and Estate of the several owners of Lands and other perticulars required" by the Privy Council were taken to England by Sir Francis Wyatt, who probably sailed before the arrival of Yeardley, leaving Captain Francis West as acting governor. This,

however, is based on circumstantial evidence only. I do not know exactly when Wyatt left or Yeardley arrived.

Sir George Yeardley left England in May, with permission to stop in the Bermudas if he deemed it advisable to do so, and arrived in Virginia prior to October 19, 1626, with the royal commissions and instructions which finally completed the transfer of the colony from the company to the crown. He was present at the fall term of the quarter court held in James City, October 19–25, 1626. In February, 1627, he was issuing the first grants to lands under the crown. The last under the company were issued by Wyatt, in February, 1625.

Sir George Yeardley was buried on November 23, 1627, and Captain Francis West was elected on the next day to succeed him.¹

Sir Francis Wyatt, the governor, maintained the original popular form of government so far as possible during the period of transfer, — from February, 1625, to the arrival of Yeardley in 1626, — and for this he is deserving of all praise. “The General Assembly,” under the original form, consisted of the governor, Council, and House of Burgesses; but the burgesses (the popular feature) could not be legally elected during this period, as the authority for doing so had been canceled. However, Governor Wyatt, his Council, and the leading citizens (probably selected or elected for the purpose) held conventions, or informal meetings, to consider important matters, under the title — as used in the documents issued by them — of “The Governor, Council, and Colony of Virginia *assembled to-gether*,”

¹ It will have been seen that in many respects none occupied a more prominent position among our founders than Yeardley and West. It is not to my present purpose to add to *The Genesis* biographies; but I wish to give here a correction and addition to that of Captain Francis West. He wrote his will on December 27, 1629, while he was in England, “disposing

of his estate in Virginia and elsewhere; he mentions his ‘now wife,’ Jane daughter of Sir Henry Davye [Davyes or Davis?], and his son (by a former wife) Francis, then under age.” He returned to Virginia in 1630, and probably died there. His will was proven at London, on May 8, 1634.

which was evidently as "popular" a body as "the General Assembly."

After the transfer, Yeardley also maintained the original idea as far as possible, leading matters being considered in the original quarter courts held in January, April, July, and October, at Jamestown; but there was no "General Assembly." Finally, however, in the fall of 1627, Charles I., in reply to the repeated memorials, petitions, letters, etc., from Virginia yielded his consent to the continuance of the House of Burgesses, and soon after sent his written instructions to that effect to the officials in Virginia, by William Capps, who arrived at Jamestown on March 4, 1628. A few days after this, Governor West ordered the first election of burgesses under the crown, and summoned "the General Assembly" to meet at Jamestown on March 20, "to consult and advice concerning the several parts and points of his Majestie's Letter and to answer the same in every particular." This body met on time, and, after a due consideration of this matter, on April 5, "The humble answere of the Governor, and Councill, togeather with *the Burgesses of the several plantations* assembled in Virginia, unto his Majestie's letter concerning our tobacco and other commodities," was signed by Governor West, five of the Council, and thirty-one burgesses.

The government of the colony by the company had now come to an end, but under Divine Providence the most desirable portion of the form of government designed by the company for the colony remained in force under the administration of the old Founders, and they "remained sedulous and united towards the right ends declared."

RÉSUMÉ

FROM the beginning, James I. had taken great interest in the colonial movement. It was his ambition to make the American colonies "the monuments of his reign." It was natural for him to wish to resume their government himself, and to have them established by his histories on the foundation designed by himself rather than on a foundation which had supplanted his, — which he regarded as an encroachment on his royal prerogative, and as having been designed by "his greatest enemy" in "a seminary of sedition."

Although we cannot know what would have been the result if James I. had lived to formulate his new charter and new form of government for the colony, and to put them into operation, we can rest assured that he would not have permitted any of the popular ideas of the form of government originated by Sir Edwin Sandys to remain in force, as Charles I., under the divine Providence which was shaping our end, finally to a large extent did do. It is true that Charles I. took the government from the company in England; but he finally continued virtually the same form. The governor, Council, treasurer, secretary of state, etc., "the Council of State" in Virginia, formerly elected by the company in England, were continued, but were appointed by the crown. The House of Burgesses, the magistrates, and other officers previously chosen in Virginia, were continued (with some changes, chiefly as to the mode of paying salaries¹), and continued to be elected as

¹ The public lands which were intended to be instrumental "in easing the inhabitants of all taxes as much as may be," reverted to the crown, and salaries were paid out of sundry taxes.

formerly by the people. And "the General Assembly," as previously constituted under the company, was continued under the crown. Thus again, as from time to time from the beginning, we see the manifest destiny that was shaping our end.

Some have dated the origin of the republican idea in Virginia from the Stamp Act of 1765; others from the changing of the capital in 1748; others from Bacon's rebellion in 1676, and others from the first General Assembly in 1619. But the seed was really sown by the petitions from the planters in Virginia and by the reports from Virginia made in 1608 by Archer, Martin, Newport, Radcliffe, and others, which caused the managers of the enterprise in England to condemn "the King's faction producing form of government," and to procure in lieu of the royal charter of 1606 the popular charters of 1609 and 1612, which finally afforded Sir Edwin Sandys and other progressive thinkers the opportunity for developing their liberal ideas of government in a new nation in the new world. "Sometimes a grain of mustard-seed proves a great tree." The popular charters enabled them to plant the seed, and enabled the seed to germinate. The seedling, after being fostered in England under the superior ideas of the advanced statesmen of that transition period, continued to grow into the political system of the new nation until our forefathers could rest under its shade, and under its expanding branches the sons of the cavaliers learned to defend the liberties of the subject from the encroachments of the crown.

The House of Burgesses at once appealed to the minds of our people, and, as their chosen representative, became the main stem of this growing tree of liberty. It furnished the stamina which removed the royal governor, Sir John Harvey, and elected John West in his place. It was the nursery presided over by "Bacon the Rebel" for a brief term when the tree was young. It was the "seminary of sedition" in which the voices of Henry and other patriots

were heard appealing more and more boldly for "American freedom." It was the university from which "Washington the Rebel" went forth to take the government of the colonies from the crown, to restore it to the people, and to "found a free popular state there;" which was the object of Sir Edwin Sandys¹ when drafting the popular charters and when sending "our Magna Charta" and the Mayflower to our shores; when planting the seed that James I. wished to destroy, "which has risen and cleft the soil and grown a mass of spanless bulk, and lays on every side a thousand arms and rushes to the sun."

Our founders were mortals, and their acts have remained obscured in the histories of their action, but the principles which sustained them were immortal; and although James I. eliminated from the page of contemporary history the record of the inspirations which shaped the ends of this movement, these great principles in the onward march of man could not be eliminated from the page of time. They were beyond the control of kings. Our patriotic forefathers, against the protest of the crown of Great Britain, and of the party in America still holding to the royal views, over a hundred years ago indorsed the method for settling America designed by our real founders. And to-day as a republic we rest on the foundation of civil and religious liberty shaped by those who managed the business, "after the alteration," under the popular charters of 1609 and 1612. Hence, we are now citizens of a free "popular

¹ It is interesting to note the connections between the Sandys and Washington families. Robert Sandys, a nephew of Sir Edwin Sandys, married Alice, daughter of Mr. Lawrence Washington, of Sulgrave, and aunt to Colonel John Washington, the emigrant ancestor of "the father of his country." And Samuel Sandys, a grand-nephew of Sir Edwin, married the widow of the celebrated Colonel Henry Washington. See *The Genesis of the United States*, p. 996, and *The*

New England Historical and Genealogical Register, 1891, p. 69. The fact that Washington descended from Nicholas Martian, who signed all of the documents (A-G) sent from Virginia in 1624 by John Pountis or Poyntz, is also of especial interest. He signed his name *Nicolas MarLier*, and I believe him to have been Nicolas de la Marlier, one of the Walloons who had proposed going to Virginia in 1621, although his name is generally written Martian in the Virginia records.

state," with our histories no longer under the censorship of a Privy Council, and our consciences no longer subservient to the royal prerogative.

Our history should now be based on the authentic records of the company, which were then suppressed by the Council, rather than on the accounts of writers then licensed by the crown.

The nation should no longer rest on the mythical foundation of a mythical founder under the crown, who published the dispatches in his own interest, but on the broad basis on which it was really originated by the broad-minded "managers of the business" under the company, who in the interest of posterity planted the first republic in America, which was the genesis of the United States. And we should never sing our national hymn without due reverence for the Divine Providence which guided them, or without thanking them in our hearts.

" My country ! 't is of thee,
Sweet land of liberty,
Of thee I sing ;
Land where my fathers died !
Land of the pilgrims' pride !
From every mountain side
Let freedom ring !
.

" Our fathers' God ! to Thee,
Author of liberty,
To Thee we sing :
Long may our land be bright
With freedom's holy light ;
Protect us by Thy might,
Great God, *our King !*"

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INDEX

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* Brief sketches of these will be found in *The Genesis of the United States*.

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